The Hiss and Rosenberg Files *Allen Weinstein*

THE NEW REPUBLIC

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Campaign Spending

Nathan Lewin

Plastic Jimmy Carter — *Reg Murphy*
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Dylan's "Desire" — *W.T. Lhamon, Jr.*
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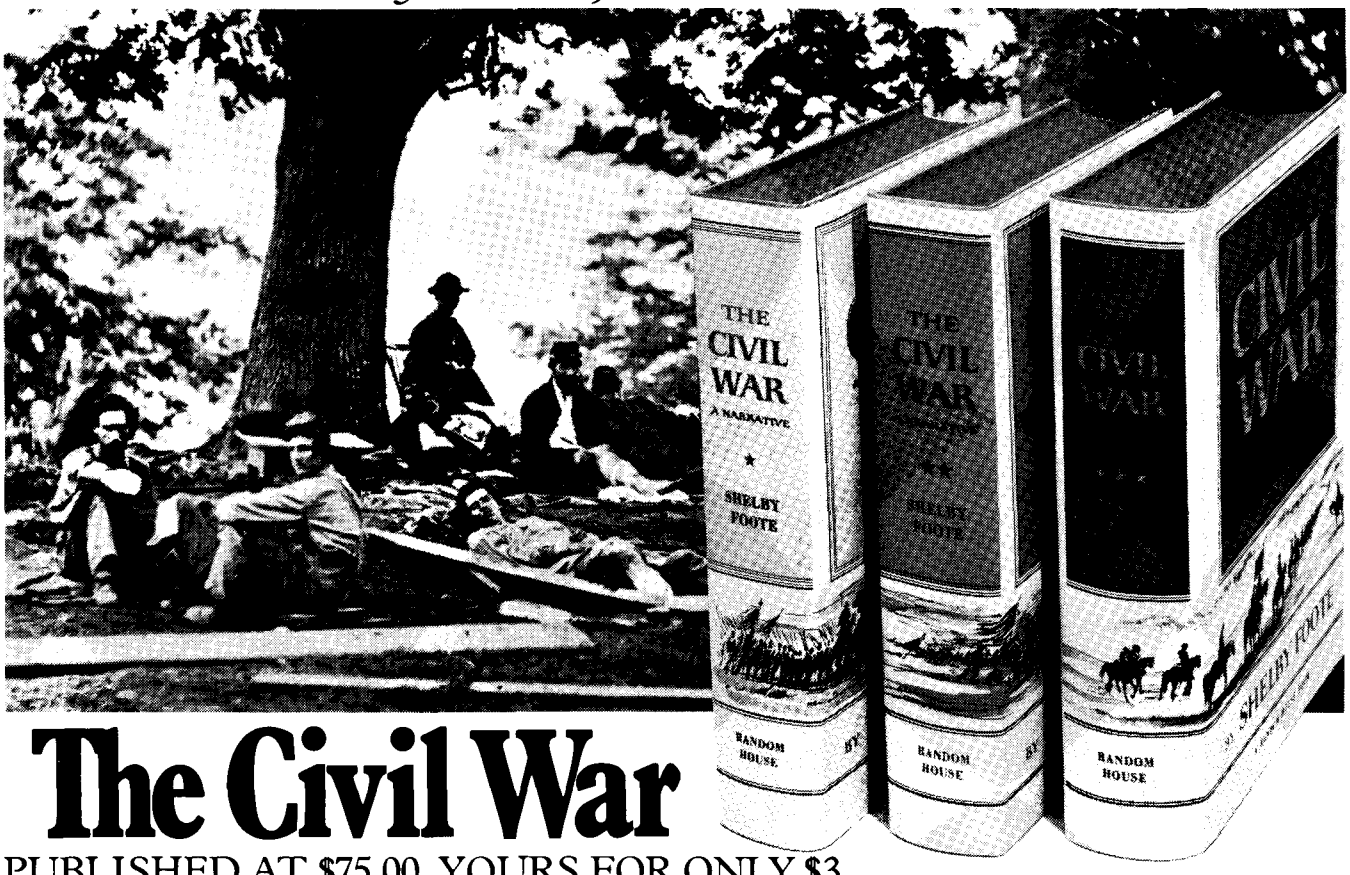

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TRB

from Washington
February 14, 1976

Who Has the Ball?

Thank God for Betty Ford. We know where she stands on the Supreme Court's 7-to-2 decision on abortion; she's for it. The Court ruled in 1973 that a state may not prevent a woman from having an abortion in the first six months of pregnancy and, with qualifications, thereafter. So where does her husband stand?

He thinks the Court "went too far." Would he overrule the Court with a constitutional amendment? Yes and no. He tells Walter Cronkite that he doesn't favor an amendment directly overturning the Court. He favors an amendment turning the whole thing back to the states. That makes everything clear. We can't imagine two-thirds of Congress and three-fourths of the states putting that in the Constitution.

As contrasted to this Mrs. Ford said, "It was the best thing in the world that the Supreme Court voted to legalize abortion and bring it out of the backwoods and put it into the hospitals where it belongs."

Had she anything to add to that, she was asked last week, in view of her husband's remarks? According to her press secretary, Sheila Weidenfeld, Mrs. Ford "just repeated the statement."

At a reporters' breakfast with presidential hopeful Birch Bayh last week practically all the questions were about abortion. One-issue, activist groups have great power in primaries in swinging the balance on matters like this. Birch Bayh supports the Court. We might have asked him questions on foreign policy; after all, if elected he will administer it. No, it was on this delicate issue. And it is true of other Democrats, of whom only George Wallace supports an antiabortion amendment though Jimmy Carter tended to waffle, too.

Ronald Reagan has come up with a constitutional amendment approach, however, so now Mr. Ford followed.

Sometimes TRB gloomily wonders if America's labyrinthine presidential selection process picks the right man. Mr. Ford can hardly utter a speech these days without quoting Tom Paine or the Founding Fathers, so here's one to add, by George Mason, 1787, talking about selecting the President (Chief Magistrate): "It would be as natural to refer the choice of a proper character for Chief Magistrate to the people, as it would to refer a trial of colours to a blind man."

The Founders' idea was to let the Best Minds pick the President through the Electoral College (which is still right there in the Constitution waiting to trip us up someday and throw the whole thing into the House as it did in 1800 and 1824). The present system, which costs $100 million, lasts a year, and is filled with a tangle of irrelevancies, would make a Founding Father rub his wig. They were men of genius, and all honor to them, but they were an elite group, about equally afraid of George III and The Mob, by which latter they meant the man in the street. The Electoral College is in the Constitution to protect the republic from people like you and me. Something to remember in the Bicentennial year.

It's a question many are asking, whether our system works very well. Opinion polls show alarming disillusionment about politicians and the government process. The infection could spread to democracy itself. In 1972 a national *New York Times*-Yankelovich survey asked, "Which candidate, Richard Nixon or George McGovern, do you find the more attractive?"

The largest group (37 percent) said "Neither"; after that Nixon 33 percent; McGovern 23 percent; Unsure 7 percent. And at election, only 55 percent of those eligible voted. In 1968, 60 percent of eligibles voted. The trend is down.

Fletcher L. Byrom, chairman of the Koppers Co. Inc., told the Industrial Conference Board: "I think we are long overdue for a serious examination and overhaul of our system of government. I believe that our political institutions are completely irrelevant to today's society."

Few are so bold; but what an odd system, where for a third of the past half-century there has been split party control in Washington, the President of one party, the Congress of the other. There isn't another democracy that could survive our system.

Historian James MacGregor Burns wrote, "The American system, in its ultimate foundation, is built upon a belief in weak government." That belief has opened the way in modern times to an aggrandizement of the presidency: we must have a strong government some way or other in a violent world. The chief danger now is the unique power of the President to take action without consultation. Kennedy attacked Cuba, Johnson bombed Hanoi, Nixon attacked Cambodia. (We are still finding Nixon's IOUs; now we are told he promised Vietnam three billion dollars in aid if they signed the peace program, although Kissinger told Congress there were no secret agreements.)

Is our system working well? After two years we still have no energy program; we can't agree on the economy; we mark time on many vital issues; in 18 months Mr. Ford has cast 44 vetoes contrasted to 30 for Nixon in six-and-a-half years. In a parliamentary democracy almost any one of these vetoes would have precipitated a national election.

One can't help casting a wistful glance up at Canada now and then. An election there is short and snappy, about two months. What a time saver. At the last one in 1974, some 71 percent of the electorate voted. Quickness lends drama. Ths strange governmental twilight in Washington of half action, half stalemate, couldn't exist under their rules: under their game there is always a recognized football of responsibility and you always know who has it. The head of government (governor-general) is separated from the political head (prime minister). There is no awesome mystique about Pierre Trudeau. Also, of course, the legislature picks the prime minister regardless of caucuses in Iowa or primaries in New Hampshire, and a battle over abortion is the party's responsibility.

In a recent article former Supreme Court Justice Abe Fortas proposed a "no confidence" vote to recall a President but said modern Americans are "too volatile, too mercurial" for a straight parliamentary system. Maybe he is right.

We are the only democracy left that plays our particular variety of the game. The Washington whistle blows. The legislative process begins! Who has the ball? *Is there a ball?*

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Surviving Everything

The scandal of the Central Intelligence Agency is not that it has befriended assassins, dictators and drug peddlers. All intelligence agencies do that. The CIA's failure is that it became confused about its job, wandered into forbidden territory and allowed itself to be used as a vehicle for making and carrying out foreign policy. It lost sight of its primary task, which is simply to collect and report true facts to the President. It's difficult to say precisely when the CIA went round the bend, but by 1962 every newspaper reader knew that the agency was in trouble. The collapse of the Bay of Pigs invasion of Cuba in 1961, conceived and run by the CIA, revealed in the most humiliating way that somehow the agency had lost touch with reality. The men who planned that operation tried to argue afterward that the responsibility for the failure lay with President John Kennedy because he refused to commit American regular forces to back up the invasion. In this view Kennedy lost his nerve and welshed on a promise. But to everyone else it was clear that the CIA had run amok; the scheme failed because it was ill-conceived, poorly supervised and—worst for what it implied about the CIA—based on exceedingly bad information. Had the agency viewed the plans for its Cuban invasion with the same cold logic that it was supposed to apply to non-CIA plans, the fiasco should never have happened. The lesson was that the CIA had no business designing military maneuvers.

Although the lesson was well understood at the time, it seems to have produced no change in the CIA's structure. True, the agency was shaken up; officials stepped aside; panels set to work devising reforms. The President's intelligence advisory board, headed by James Killian of MIT, suggested that the CIA's action arm—the covert operations branch—be severed and sent elsewhere in the military bureaucracy. There were continual rumors that this would happen, but it never did. The man who ran the Bay of Pigs invasion, Richard Bissell, left in 1962 to take a job with a defense contractor and his deputy, Richard Helms, stepped up to take control of the covert branch. Helms later became director of the agency. Like Bissell and Helms, the recently retired director of the CIA, William Colby, also made his career on the action side. It isn't surprising, therefore, that the CIA has found it difficult to give up old habits.

In 1967 the CIA found itself caught up in another big furor. It was

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discovered that the CIA had given more than $12 million to 29 private educational and political organizations that it considered aggressively "democratic." The funding was stopped but no change was made in CIA structure or in the system of congressional oversight.

Now for the third time in 15 years, the CIA is in hot water for the blunders of its covert operations branch. Admittedly, many of these are old blunders, such as the attempts to assassinate Congolese leader Patrice Lumumba and Cuban Premier Fidel Castro. But some are not so old. Snooping into American mail and overseas telephone conversations and surveillance of domestic political groups stopped only in 1973. The most important covert operations of this late period seem to involve money transfers, such as the funds given to the enemies of Chilean socialist Salvador Allende Gossens, the $800,000 given to an extreme right wing Italian general (against the wishes of the local CIA station), and the several million dollars channeled to anti-Communist forces in Angola.

Congress and the President are now engaged in a quarrel over how many more details of covert CIA actions should be made public, and by whom. The President, urged on by the Secretary of State and the CIA, argues that the congressional investigating committees, and particularly the House committee chaired by Rep. Otis Pike, are behaving irresponsibly and damaging the federal security system by giving out information on the CIA's most recent mistakes. Pike replies that the administration (and in this case he means Henry Kissinger) wants to hide the mistakes and not the secrets. However, the real questions the President and Congress must answer soon are: what kind of spying should the United States condone as routine and permissible, what exceptions will it allow in emergencies, and what system can Congress devise that will allow it to watch over the routine operations and give assent in the emergency cases, but will not violate the government's security system?

It is easiest to start with the reform that won't be made. Despite their eagerness to deplore all that has been revealed about the CIA's covert branch in the last 15 years, most congressmen still do not want to abolish this office or even move it out of the CIA. Sen. Church did make the modest proposal that assassination of foreign government officials be outlawed. (The CIA itself established a no-more-assassinations policy in 1972, but of course this does not have the force of law.) The Pike committee would ask a subcommittee of the National Security Council to review every major covert action and have each member who supported it give an endorsement in writing. The President would also sign his name.

Jerry Ford's repeated warning that Congress is out to "dismantle" the US intelligence system is thus plain hokum. Two members of Pike's committee (Dellums of California and Johnson of Colorado) voted to abolish covert operations, but the majority, as in the full Congress, voted not to support such a move. Apparently most congressmen believe that it is necessary to fight fire with fire, that as long as the Soviet Union uses its wealth and power to subvert political systems around the world, the US must do the same. Even Rep. Pike said last week, "I don't believe that if anyone else were given the job they would do it any better than the CIA."

Thus having conceded the basic point at the outset, Congress is preparing to fight over the lesser issue of who will oversee these covert actions and how. Ford hasn't released his recommendations at this writing, but he is expected to deviate a little from the course charted by the Rockefeller commission of inquiry, whose recommendations were published eight months ago. This study proposed that future CIA operations should be watched by two new groups: one in the White House, a reinvigorated Foreign Intelligence Advisory Board, and one in Congress, a Joint Intelligence Committee modeled after the Joint Atomic Energy Committee. The White House board would have "access to all information in the CIA," and it would be composed of "distinguished citizens with varying backgrounds and experience." One of those variously experienced members, if Ford has his way, will be the former governor of Texas, adviser to Richard Nixon, ex-Secretary of the Treasury and friend of the milk producers, John B. Connally. He is, one would think, the last person in the world to put in charge of cloak and dagger work. (See "The Secret Trial of John Connally" by Fred Graham, *TNR*, June 21, 1975.)

Although the Senate and House would like to have two independent oversight committees, there appears to be no serious objection in Congress to the White House desire for a single committee; certainly the Senate wouldn't object. However there are differences over the proper handling of secret information. According to a Church committee staffer, the major point of contention is expected to be the requirement in Church's bill of January 29 that Congress be given "prior notification" before any "significant covert or clandestine operation" is launched by any of the secret agencies. The oversight committee wouldn't have the power to reverse a CIA decision, but it would be able to disclose the CIA's secrets if it believed that "the national interest would be served by such disclosure." According to Sen. Church's bill, the committee could release secret data after giving the President 10 days notice and a chance to object. If the President were opposed, he would have to explain in writing why publication would damage national security. The conflict would be settled by a Senate vote.

The President and the CIA may grumble about these changes in security procedures, but clearly if the Church plan is adopted, they will retain essentially all that they seek. The covert function of the CIA will be left intact and this dangerous plaything will be available for the use of future Presidents.

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Hounded Out?

Whatever else one might want to say about Pat Moynihan—it is no secret that many think him truculent, opportunistic, contemptuous—he does believe, with eloquent if old-fashioned passion, in democracy as a way of life and a way of governing. This by itself sets him apart from his most recent boss Henry Kissinger, who stewards our foreign policy as if democracy were the *ancien regime*, its doomed future best buffered against the inevitable tide by ruse and cunning, unimpeded and unaffected by the will—and without the knowledge—of the people. It was inevitable in any case that the confident and impolitic Irish petrel could not long survive in Kissinger's one-man show: temper tantrums are his to have alone.

If ever there was a case of an outsider being hounded out of office by the establishment this is the one. Although he had made an unexceptionable record as emissary in New Delhi, Moynihan by temperament and style would never be a favorite of the Council on Foreign Relations or its editorial episcopate. It is from the latter ranks that our UN ambassador was stalked as prey, so stealthily in fact, that this weak and gasping improvisation of an administration would contrive against its own electoral interests with James Reston to lose its strongest and most persuasive personality.

Where politesse matters above all else, Moynihan's resignation has been greeted with relief, but the satisfaction runs deep also in Moscow, Tripoli and Kampala where politesse counts for nothing. The departure of this irrepressible man, however, is more than a victory for the armed hypocrisy of first, second and third world diplomacy. It is also a reflection of discomfort with vibrant democracy.

It once was that Presidents welcomed controversial men and women in and around their official entourage. Such individuals became tribunes for divergent positions, and public opinion crystallized about them. They provided, in effect, a vehicle of democratic expression, and a means for the executive to struggle through to its final policy commitments. Under FDR, certainly, such a role was played by Harold Ickes and Harry Hopkins, Henry Wallace and Jesse Jones, Henry Morgenthau and Henry L. Stimson, James Byrnes and Frances Perkins. Pat Moynihan is as authentic and original as they were, but that is something to which our politics is no longer very hospitable.

How to Deal With Gringos

Havana

It is one thing to visit Cuba, as some of us did in 1974, in the company of United States senators, slightly apologetic for the shabby treatment accorded the Caribbean island by Americans in past decades. It is quite another thing to visit Cuba in the company of Latin Americans and to perceive it through Latin eyes. The Latins appreciate each other in a way that is difficult for a North American to grasp.

When Cubans say *nuestra America*—"our America"—they mean an America that excludes, that practically banishes, the United States. It was a phrase frequently heard in Cuba during the visit of Brig. Gen. Omar Torrijos Herrera, the Panamanian chief of government, expressing an emotion of Latin fraternity in an area where the Yankee is often seen as an interloper.

There were peculiar chemical reactions going on between the Panamanians and Cubans during the five-day visit of Gen. Torrijos, and not all of them were benign. Fidel Castro piloted the 200-member delegation all over his island, to schools, a pioneer camp, a construction site, a sugar mill, a cattle breeding facility, museums and resorts. It seemed like a 15-day visit. The Panamanians were impressed but not overwhelmed.

They goggled at the turnout of perhaps one million Cubans along the route of the Torrijos-Castro cavalcade in Havana, Santiago de Cuba and Camaguey. But they also noticed the members of the Committees for the Defense of the Revolution wearing their white armbands and stationed every 30 feet or so along the parade route, facing the curb and scanning the crowds like good Secret Service men.

Listening to the chant, "Cuba-Panama, United We Will Win!" Gen. Torrijos observed to an aide: "I know they make them go. But I have the feeling they really liked me." It seemed they did, the uniformed school children, sugar cane cutters, *vaqueros*, factory workers, soldiers and musicians. Nor did he seem all that strange to them, clad in his fatigue uniform, smoking a cigar, wearing field boots—just like Commandante Fidel. But there was a difference, also. Castro wore a big pistol on his hip and Torrijos carried only a canvas covered field canteen. In Santiago de Cuba, Castro, the holder of a doctorate, spoke for an hour with polished Spanish eloquence, a matador of the language. Torrijos, a country boy from Chiriqui

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province who has a grade school education, spoke less than 20 minutes in his customary rough burr. Yet the Panamanian has a way of reaching people, a natural political talent, and he drew more applause and appreciative laughter than Castro himself. Their talk was mainly about the Panama Canal, which cuts Panama in half, and it could have been an occasion for revolutionary rhetoric. Officials of the Ford administration who are trying to negotiate a new treaty that would eventually give Panama full sovereignty over the Canal Zone, feared the worst. However, both Castro and Torrijos carefully skirted the impossible—the Cuban remarking that Panama was too small to stand up to the United States the way Cuba had done and Torrijos declaring that negotiation was his chosen route. In their hearts, one felt, the nine million Cubans would like to see the 1.2 million Panamanians rise up and drive the gringos out of the 533-square-mile Canal Zone—"the last colony." But they didn't say so.

At Santiago de Cuba, where Castro had begun his revolution in the attack on the Moncado Barracks 23 years before, Cuban and Panamanian folklore ensembles put on a joint performance.

Panamanian performers sang a plaintive song about the frustrating presence of Americans in the Canal Zone. But the Cuban show had a militant edge. It began with a ballet set to an arrangement of the Cuban national anthem that made it resemble Maurice Ravel's Bolero. To this melodramatic setting the dancers portrayed Castro's guerrilla war—the capture of weapons from army depots, the first skirmishes and killings, the swelling of the revolutionary forces, more shooting and, finally, victory. Dum da-da-da dum dum!

"I didn't like it," said one of the Panamanians in the audience. "It was an invitation for us to make a guerrilla war against the Americans in the Canal Zone." Another commented: "I saw that kind of thing in Peking and that is one thing we don't need, a guerrilla war in Panama."

The Panamanians voiced respect, admiration, for much of what the Cubans had achieved in economic and social fields in the 17 years of Castro's rule. But they also felt fear—fear of the coldness of communism, fear of the revolutionary fervor that Cuba has embodied by sending troops to fight in the Angola civil war, fear of the thoroughness of Cuban organizing ability. "We could use some of their discipline," said Mayin Correa, a Panamanian television journalist. "In Panama when Torrijos came to power we all worked hard, too. Now we are back to going to work late, driving fast and cheating on taxes. But I don't like the Cuban discipline either." "We cannot adopt their system," a leading Panamanian economic planner remarked. "It just won't fit us."

A businessman, after touring a big sugar mill equipped with ancient and oft-repaired American machinery, spoke wonderingly of the plant's 15,000-ton daily output and then added, disapprovingly: "They are very regimented."

The Panamanians also objected to the sheer excess of the Cuban tour. On the fourth night, following a typical 16-hour day of sightseeing, the Cubans put on a nine-match boxing competition in the stadium of Camaguey and then laid on the fourth meal of the day. Reeling with fatigue, the journalists were then taken to the airport to fly back to Havana, with a prospect of getting to bed at four am. As the bus was about to start off for the Hotel Nacional, an iron-faced Cuban guide stuck his head in the door and announced: "At nine am we go to the Lenin School." The Panamanians responded with a peal of hysterical laughter and someone said: "But we've been at a Lenin school all week!" Nobody went.

Gen. Torrijos warmly thanked the Cubans for their reception and observed that it had helped him demonstrate "independence," which would aid him in his negotiations with Washington. But at a press conference before departing he also said there were "other ways" to achieve social justice besides socialism.

The Panamanian journalists were so relieved to get home that when their plane touched the runway at Tocumen Airport they broke out into a thunderous "Viva Panama!" Then someone cried: "Viva Castro!"

"What does that mean?" a foreigner asked.

"Not Fidel," a Panamanian replied. "The pilot's name is Castro."

David Binder

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White House Watch

Tapping for Henry

Some of Secretary of State Henry Kissinger's problems, prospects and attitudes were discussed in general terms in this journal's previous issue. Here the specifics of one of his problems are addressed, with emphasis upon it because it resembles many others in the ways in which it brings his competence and credibility into question.

Nothing has damaged Kissinger's personal reputation more than the charge that he has been lying since 1973 about his role in and responsibility for FBI wiretaps placed upon 13 government officials and four journalists between May 1969 and February 1971. Morton H. Halperin, a former Kissinger assistant whose home telephone was tapped for 21 months, has

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filed a civil suit in a federal district court in Washington, seeking damages from Kissinger, Richard Nixon, Gen. Alexander M. Haig, former Attorney General John N. Mitchell, former Nixon assistants H.R. Haldeman, John Ehrlichman and Robert Mardian, FBI Director Clarence Kelley (in his peripheral role as successor to the late J. Edgar Hoover) and the telephone company serving Washington. The damages payable to Halperin could total anywhere between $300,000 and three million dollars, under a federal law allowing plaintiffs in such suits $100 for every day of proven violation of their rights by each defendant. The Halperin suit, abetted in its effect by some of the worst reporting of this and other Kissinger matters that I've observed in 50 years in journalism, has done more than anything else to keep alive and compound the published assertions and intimations that Kissinger has been and still is lying about the wiretaps. Among the wider effects, the staff of Sen. Frank Church's special investigating committee has largely skipped that aspect of Kissinger's involvement in intelligence-related operations and has relied upon the Halperin suit to elicit the facts. Given its importance, the way the suit is being prosecuted and defended deserves attention it seldom gets in news reports.

Three attorneys in the Department of Justice criminal division—Robert Keuch (pronounced keek), Elizabeth Gere Whitaker and Edward Christenberry—are representing all of the defendants except the telephone company. The justification for free representation that otherwise could cost the defendants hundreds of thousands of dollars is that all of the individuals are being sued for actions taken in their official capacities. Morton Halperin, who has made a career of privacy and the protection of same since his and the other wiretaps were divulged in early 1973, is also getting free representation. Halperin resigned from Kissinger's National Security Council staff in September 1969, eight months after he transferred to it from the Department of Defense. My recollection is that Halperin told me in 1970 that he quit the staff after learning that he wasn't going to be appointed Kissinger's chief deputy. One of the defendants, Gen. Haig, eventually got that appointment. Halperin says that my recollection is in error; that he quit mainly "because of the working relationships on the staff." He says Kissinger discussed with him but, because of opposition from other members of the staff, never offered him a position with the responsibilities but not the title of deputy assistant for national security affairs. Halperin and Kissinger told me in 1970 that Kissinger had urged Halperin to remain on the staff. In May 1970, in protest against the US invasion of Cambodia, Halperin relinquished—"resigned" would be an overstatement—the NSC consultancy, never much exercised, that he had retained after he quit the staff.

Kissinger's wiretap problem typifies the many other problems— his conduct of strategic arms negotiations and policing, his involvement as chairman of the White House "40 Committee" in various covert foreign operations, the glossing of the 1973 Vietnam peace terms, his taking the US into the Angola snarl—in which his troubles were brought upon him by circumstance and by others and in part were brought upon him by himself. Kissinger's public wiretap statements, from the day in early 1973 when he said in the White House press room that on President Nixon's orders his office had supplied names for surveillance and that he as head of his office took full responsibility for doing it, have been consistent. It was in private communication with journalists that Kissinger got himself into trouble and generated a doubt, usually reflected rather than explicitly stated in print and in broadcasts, about his believability. In two examples drawn from my experience, he at one point came close to passing the whole buck to his faithful assistant, Gen. Haig, and in another instance suggested that he had tolerated—he never to my knowledge said he initiated—the tap on Morton Halperin in the hope that it might convince Bob Haldeman, John Ehrlichman and other White House doubters that Halperin wasn't the security risk they said they thought he was. In this sort of evasion and twisting, Kissinger was at his worst. It has done him incalculable harm with the Washington reporters and commentators who deal with him and are influenced, for or against him, by contacts and communications of this kind.

In contrast with this feature of the private record, the public record is refreshing. It is summarized here because so much of it has been lost to notice in the rush of current and occasionally slanted reporting. The disclosures of the wiretaps and the allegations of Kissinger's responsibility for them were still in the news when President Nixon nominated Kissinger to be his Secretary of State while continuing to be his assistant for national security affairs. Two of Mr. Nixon's White House assistants, Bryce Harlow and Thomas Korologos, and one of Kissinger's NSC assistants, John F. Lehman, Jr., spent most of an afternoon and night before Kissinger's Senate confirmation hearing drilling him on questions he was likely to be asked by the Senate committee, with heavy emphasis upon the wiretap issue. Kissinger convinced all three of them then, and they tell me that they remain

COMING: Taxing consumption—
a proposal
for tax reform
by Martin S. Feldstein

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convinced, that he was telling the truth when he gave them the answers that he gave the Senate Committee on Foreign Relations. The condensed essence of his answers to the committee, in open session and in executive session, later published, was: "In early May 1969 the President consulted the then Director of the FBI [J. Edgar Hoover] and the Attorney General [John Mitchell] about this problem [leaks of classified security information]. He was told that the most effective method was to tap individuals. My office was required to submit the names of those officials who had had access to the information that had leaked. The information was then transmitted by General Haig to Inspector [William C.] Sullivan of the FBI. I never recommended the practice of wiretapping, I was aware of it, and I went along with it to the extent of supplying the names of the people who had access to the sensitive documents in question."

In June 1974, while traveling with President Nixon to the Middle East, Kissinger reacted at a famous press conference in Salzburg, Austria, to reports that he'd lied in his 1973 testimony. He demanded a reopened Senate inquiry, said he'd resign if it didn't clear him, and at the resultant hearing said that what he'd testified in 1973 "remains completely true" except that the decisive meeting with President Nixon, Hoover and Mitchell occurred in April rather than May 1969. From this 1974 Kissinger testimony (condensed): "There was a discussion of specific individuals and Mr. Hoover suggested that four persons be put under surveillance, three of them people on my staff. There has never been any dispute that when my office submitted names I knew that an investigation was certain and a wiretap probable." Former Senator and chairman J. William Fulbright put in the record a letter dated July 12, 1974, from Richard Nixon. Three days short of a month before he was to resign, Mr. Nixon said in this letter: "Where supporting evidence was available, I personally directed the surveillance, including wire-tapping, of certain individuals. I am familiar with the testimony given by Secretary Kissinger before your committee . . . This testimony is entirely correct; and I wish to affirm categorically that Secretary Kissinger and others involved in various aspects of this investigation [of leaks] were operating under my specific authority and carrying out my express orders."

In early January 1976, Kissinger delivered written answers to written interrogatories from Halperin's attorneys. Kissinger shrank as he had in the past from naming the wiretap targets and from telling how involved individuals figured in White House discussions of the leaks and taps. In one of many answers, however, he said: "At the Oval Office meeting in April 1969, President Nixon authorized an electronic surveillance . . . While his authorization was in general terms and not limited to specific individuals, my understanding was that he then directed surveillance of Morton Halperin and certain others." These answers became public when they were filed in federal court. On January 15 Halperin, two of his attorneys (Shattuck and Slocombe), two Justice Department attorneys (Whitaker and Christenberry) and a telephone company attorney attended a session at which Richard Nixon was questioned in San Clemente. His deposition will become public, less deletions agreed to by attorneys for all parties, when it is filed in federal court. In the meantime, any party to the proceeding who divulges what was said is subject to contempt proceedings.

On the morning of the 15th, before the deposition was taken, Daniel Schorr of CBS attributed to "friends who have recently talked to the ex-President" the view that "Mr. Nixon is expected to contradict Secretary Kissinger and deny that he specifically authorized a 1969 wiretap of Morton Halperin." In a report datelined Los Angeles and published January 18, Nicholas Horrock of *The New York Times* attributed to "associates of the former President" statements that Mr. Nixon testified in the deposition that "he never personally selected the persons to be wiretapped" and that "he had left the selection of the targets up to Henry Kissinger." Kissinger said January 19 that it was inconceivable to him that Mr. Nixon could have said this. Jack Brennan, the head of the tiny Nixon staff in San Clemente, said by telephone January 27: "President Nixon has discussed his deposition with absolutely no one, his wife or me, and if he would have discussed it with anyone, he would have with me. It's absolutely impossible that there's been a source from here." Halperin's attorneys, Shattuck and Slocombe, acknowledged that they and Halperin gave reporters atmospheric details of the deposition session, none of the tidbits reflecting favorably upon Mr. Nixon. The attorneys assured Mr. Nixon's personal lawyers and the Department of Justice that they and Halperin did not divulge the substance of the Nixon testimony. It was suggested to me in Halperin quarters that Dan Schorr's advance information could hardly have come from Halperin people and that Nicholas Horrock's aftermath information could have come from William Safire, a former Nixon assistant who writes for the *Times*. Safire said in a conversation February 2 that he'd been in touch with Nixon people in San Clemente before the deposition was taken and that his impression was "confirmed by the Horrock story." Safire said he wasn't Horrock's source: "He did his own work." Neither Halperin nor government attorneys suggested that the Schorr broadcast and the Horrock report conflicted with their memory of Nixon's testimony. Both reports mentioned only the supposed contradiction of Kissinger. Neither showed any awareness of Mr. Nixon's July 12, 1974 letter to Fulbright and noted that if Richard Nixon testified on January 15 as he is said to have done, he contradicted himself.

John Osborne

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Lifting the Lid On Campaign Spending

by Nathan Lewin

Congress has itself to blame for the swift and radical surgery recently performed on its 1974 federal election reforms by the Supreme Court. The Federal Election Campaign Act, signed into law by President Ford in October 1974, contained a unique invitation to the federal judiciary to poke and probe among its various clauses and issue running judicial diagnoses of whatever constitutional ills might be discovered. Congress is usually content, when it enacts a law, to allow constitutional questions to be raised, after the law goes fully into effect, by those parties whom the courts have traditionally recognized as the proper challengers. When criminal laws are at issue, for example, individuals who believe that the laws violate their constitutional rights must ordinarily suffer criminal prosecution and raise their constitutional claims as defenses to criminal charges. Or if some new form of regulation is established by federal law, those subject to the regulation are seldom able to attack its constitutionality before there has been substantial official action of the kind that gives rise to a court proceeding.

This means that most laws come before the courts for constitutional evaluation after some history of actual operation and administration has been developed. It also means that the court tests are made in the context of detailed records describing particular instances of enforcement. The usual process of constitutional adjudication also sheathes a duly enacted law in a presumption of constitutionality. Once a federal law has been passed, it is fair to assume that the majority of the members of Congress who voted for it—themselves oath-bound to uphold the Constitution—were convinced that it was constitutional. Courts invariably begin constitutional analyses in such cases with a deferential nod to the judgment of the coequal branch of government.

The urgency with which Congress wanted a judicial appraisal of the Federal Election Campaign Act deprived the election reform case of all these benefits. An extraordinary provision was inserted into the law authorizing "any individual eligible to vote in any election for the Office of President of the United States"—in other words, almost any citizen—to start a federal court proceeding "to construe"—whatever that word means in this context—"the constitutionality of any provision of this Act." The same section speeded the case along by eliminating any decision of the trial court and assigning to it only the job of formulating "questions of constitutionality" to be certified to the full roster of active judges of the court of appeals. The appellate court was then obliged "to advance . . . and to expedite" its decision on these certified questions "to the greatest possible extent." And an appeal to the Supreme Court had to be taken within 20 days of the court of appeals' action.

As a result the Supreme Court ruling of January 30 decided the constitutionality of several new provisions of criminal law relating to federal elections without a single criminal prosecution having been brought or threatened. It passed on the constitutionality of various aspects of a new regulatory system without any record of actual enforcement. It determined whether a comprehensive financing operation was constitutionally valid with almost no legally recognizable evidence of the real effect of such a program. Rather than reviewing a record of what actually happened, the Court answered a series of 24 questions—almost as if it were taking a law school true-false or multiple-choice examination—based upon its abstract and theoretical evaluation of the constitutionality of separate parts of the law. The speed with which the buck was being passed to the Supreme Court could have generated no confidence whatever in any congressional judgment of constitutionality; the justices cannot be faulted for reading this singular procedure as a plea by the Congress for constitutional advice, rather than as a definite and firm constitutional judgment by the national legislature entitled to respect from the judiciary.

Even the Court's most persistent advocates of judicial restraint seemed quite willing, in this case, to treat Congress' judgment cavalierly. Justice Byron White—the only member of the Court who voted to uphold nearly all of the law's substantive provisions—very reasonably protested that the judges on the Supreme Court could not claim "more insight as to what may improperly influence candidates than is possessed by the majority of the Congress that passed this Bill and the President who signed it." The legislative and executive branches, he said, were "seasoned professionals who have been deeply involved in elective processes and who have viewed them at close range over many years." This kind of consideration should have appealed to Chief Justice Burger who often admonishes the Court when it seems to second-guess a

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legislative judgment. Two years ago, for example, the Court was considering whether it was constitutional to deny rehabilitative treatment under the Narcotic Addict Rehabilitation Act to a two-time loser, and Burger, writing for a Court majority, noted that the legislative decision to exclude multiple offenders was "a policy choice in an experimental program made by that branch of Government vested with the power to make such choices." Respect had to be accorded to that "policy choice" even though "judges with more direct exposure to the problem might make wiser choices." It is hard to recognize the same judge in the Burger who expressed his view of the election reform case. More than any other members of the Court, the chief justice was ready to strike down large parts of the act as unconstitutional because he did not agree with Congress' appraisal of the effect the act would have on constitutionally protected political activity. And Justice Blackmun and Rehnquist—neither of whom has earned a reputation as a judicial activist—were only short steps behind. Burger's opinion was a persuasive document and the concerns he expressed about possible infringements on constitutional rights growing out of this particular electoral reform may yet be vindicated by actual experiences with the act—which is already being criticized by some of its supporters.

It was a moderate-to-liberal coalition of justices—essentially Brennan, Stewart and Powell—that saved the law and sliced away only the parts that appeared most dubious. When the Court majority was done with it, the Federal Election Campaign Act was different from what it was when the President signed it. As passed in 1974, the act viewed the elective process from the vantage point of the politicians whose job it is to gather votes. The Court brought to the problem a new perspective. The combination of legislative proposal and judicial disposal created a novel structure. Whether the results will be good or bad depends on how punctiliously the law is enforced and how vigorously evasion is pursued.

The first subject treated by the Court is the one on which its view is likely to have the most lasting impact. The 1974 act fixed maximum amounts that could be contributed, either directly or indirectly, to the campaigns of federal candidates and set maximum limits on campaign expenditures. Violations of these limitations are criminal acts, prosecutable as misdemeanors and punishable by up to one year in jail and a $25,000 fine.

To the professional politicians who make up the Congress, financial assistance to a political campaign—whether in the form of direct cash gifts or indirect expenditures that benefit a candidate—is a single *genus* of activity. A candidate for office assumes that money spent in his behalf is best spent if his campaign staff does the spending or controls it to ensure that it is coordinated with other election activities. It was natural, therefore, for the 1974 Congress to disparage independent expenditures of money on behalf of a candidate and to assume that, more often than not, a purportedly "independent expenditure" would really be a disguised contribution. The congressional reports discuss, for example, the individual who decides, "completely on his own," to buy billboard space to promote the candidacy of his favorite. If he does so without the candidate's request or consent, should his purchase count against the $1000 limitation on contributions? Given the public record of campaign law avoidance that grew out of the 1972 elections, Congress could only be skeptical of assertions that individuals supporting a candidate in this manner might spend large sums of money without consulting or obtaining the consent of the candidate or his campaign machine.

Congress' solution to the problem was to fix a $1000 limitation on individual "contributions" (defined to include all payments made at the request of a candidate or with his consent) and "independent" expenditures for a single candidate in any one primary or general election. The billboard-buyer would, under this provision, be prevented from giving even an unrequested and unconsented boost of more than $1000 to any particular candidacy.

The Court majority could not agree with the political judgment that the "contribution" and the "independent expenditure" are the same. Justices Burger and Blackmun would have found limitations on both unconstitutional, and Justice White thought they were both valid. But the remaining five (Justice John Paul Stevens joined the Court after the case was argued and did not participate in the decision) believed that a ceiling on contributions was permissible while a similar limit on expenditures was not. The Court said that "corruption and the appearance of corruption [are] spawned by the real or imagined coercive influence of large financial contributions on candidates' positions and on their actions if elected to office," and that a limitation on contributions could "serve to mute the voices of affluent persons and groups in the election process," and "may to some extent act as a brake on the skyrocketing cost of political campaigns." A limitation on "independent expenditures," on the other hand, was said to be a substantial restriction on "the quantity and diversity of political speech." The Court majority observed that a full-page advertisement in a leading daily newspaper cost almost $7000, and concluded that if wholly independent citizens and groups were not permitted to support their candidates with such advertisements they would be denied "any significant use of the most effective modes of communication."

The absence of a specific factual record certainly played a role in this judgment. If the first criminal prosecution of an "independent expenditure" in violation of the statute had concerned a partisan who, entirely independently of his candidate, manufactured

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and distributed coonskin caps or straw boaters or bumper stickers carrying only his candidate's name, or who paid the full cost of a picnic lunch given to promote the candidacy of his favorite (with lunch boxes carrying the candidate's picture), the element of "political speech" would be harder to discover than where a message is plastered on a rented billboard, or a full-page ad in *The New York Times* is underwritten.

Not everything that costs money in a political campaign is political speech. The act defines contributions as gifts that are designed to "influence" nominations or elections. And it takes no advanced sociologist to know that many things influence voters today beyond rational discourse on major issues. Yet the Court majority was permitted by the dissenters to describe the constitutional question as whether the amount spent by independent parties on "political communication" or "political expression" could be limited by law. No one seriously questioned the observation made by Justice Stewart during oral argument of the case—that in the context of political campaigns "money is speech and speech is money."

As a practical matter, there is much to be said for the view of the politicians that "contributions" and "independent expenditures" are too much alike to deserve separate constitutional treatment. The difference between them, as the campaign game is played today, is skin-deep—but not much more. The Court majority was persuaded by the fact that a contributor communicates with the public only by giving his candidate the opportunity to speak; the voter himself is silent, and his expression "rests solely on the undifferentiated, symbolic act of contributing." If a voter directly buys advertising space, he may, of course, choose to be the speaker. He may draft and sign the advertisement and thereby send his personal message to the public. But for every independent benefactor who chooses this method of direct communication, there must be dozens who, if permitted to spend in excess of the ceiling, will simply reprint their candidate's speech, or his record, or his best public relations handbill. And the Court's constitutional ruling protects the man who duplicates no less than the one who composes.

The "quantity and diversity of political speech" that emerges during political campaigns, as we know them today, is not likely to be affected very much by distinctions between contributions and independent expenditures. There is real substance to the concern expressed by some political figures that the chief product of the Court's ruling on this question will be a proliferation of "independent" committees working for the election of particular candidates. A tight standard appears in a footnote to the Court's opinion, and it requires such committees to operate totally without the cooperation or consent of a candidate, his agents or an authorized committee, if they wish to avoid the valid contribution limitation. Whether the standard can be enforced in practice is another matter.

There is, moreover, reason to wonder at the Court's blithe political judgment that truly independent expenditures pose no "dangers of real or apparent corruption comparable to those identified with large campaign contributions." Is it so improbable that a budding ambassador could become a substantial buyer of billboard space in a presidential campaign (to take the Congress' own example)? His beneficence would surely not escape the candidate's notice, and the likelihood of a post-election *quid* for the pre-election *quo* seems high.

Whatever one thinks of the Court's theoretical constitutional distinctions and of its pragmatic appraisals of the possibilities of political corruption, there is a positive practical side to the Court's decision that may gradually alter the nature of political campaigns. If the law is enforced to its letter so that candidates are not able, either by tacit agreement or covert connivance, to coordinate their expenditures with purportedly "independent" individuals or campaign organizations, they will have to woo those groups that are truly independent in the hope that they will make campaign expenditures. In this way single-issue groups would become much more important to the election process than they are now. "Right-to-life" organizations, Soviet Jewry committees, women's caucuses could hold the key to large campaign resources to be used on behalf of the candidates who would most satisfy their needs. Control of a portion of a candidate's campaign would then pass from the professional staff to the more vocal and organized public groups. This is probably not what Congress would have wanted, but it is a likely consequence of what Congress and the Court did.

The Court's subsidiary rulings on the expenditure-ceiling issue have other interesting indirect consequences. With only Justices White and Marshall dissenting, the Court ruled that statutory ceilings on the amounts candidates may spend on their campaigns from their own personal funds are unconstitutional. A candidate, said the Court, has the same constitutional right to engage in public discussion—and thus to advocate his own election—as any private citizen. Restricting his expenditures "clearly and directly interferes with constitutionally protected freedoms." The Court was not persuaded, as was Justice Marshall, that the exploding costs of campaigning would turn politics into "the exclusive province of the wealthy." With the elimination of large contributions by the provisions that the Court sustained, it seems all the more important to provide some corrective to the unfair edge held by a Rockefeller or a Kennedy.

In the short run wealthy candidates will have an advantage. But the public's interest in promoting financial equality among candidates can, of course, be achieved without limiting one candidate's personal expenditures. The obvious alternative is to make

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available public funding to *all* federal candidates—not just to presidential contenders. In another footnote was the Court's observation that acceptance of public funds may be conditioned on an agreement by the candidate to limit his expenditures. Even the wealthy would probably find the public dole tempting enough to submit to this. And if they do not, the public funding provision might authorize public grants to a candidate to match funds, in excess of a specified amount, spent by his opponent from personal funds.

A change in the law seems inevitable, as well, as a result of the Court's invalidation of the overall ceiling on campaign expenditures. Here, again, the Court addressed the issue in conclusionary constitutional terms. Expenditure ceilings, said the Court, are restrictions "on the quantity of political expression." The equation of the total cost of a campaign with the scope of "political expression" is questionable. Whether the candidate and his family fly first class or coach and whether they stay in luxurious or merely comfortable hotels will not affect "the quantity of political expression," but it will have a dent on his total campaign costs.

Lifting the lid on campaign expenses may not, therefore, increase the amount of meaningful political expression at all. What it will accomplish, however, is the enactment of public funding for senatorial and congressional candidates. Here, too, as the dollar amounts grow geometrically, Congress will have to find ways to make campaign costs manageable. If maxima are constitutionally unsound, a payment of public funds conditional on voluntary acceptance of expenditure limitations seems the natural result.

Plastic Surgery

The New Jimmy Carter

by Reg Murphy

Jimmy Carter, the one-term governor of Georgia, is running for President and doing surprisingly well playing what is for him a new part: that is, the charming Populist reformer with an impeccable reputation.

His reputation, as it turns out, is puzzling to his old county campaign chairmen and political associates at home. His nemesis, Lester Maddox, may have expressed their puzzlement best when he was asked by a television interviewer the other day what he thought of Carter. Maddox replied: "You mean the fellow who's running for President now, or the fellow who ran for governor of Georgia in 1970?" The two Carters are entirely different, as Maddox sagaciously noted. The Jimmy Carter who was elected governor in 1970 ran as the George Wallace candidate. He pledged to invite Wallace to address the Georgia legislature as soon as he had taken the oath of office. True to his word, Carter offered the hospitality of the redneck-dominated Georgia House and Senate to Wallace as soon as he could. Wallace accepted. One gets the impression that Carter would not similarly pledge to invite Wallace to dine in the White House soon after his election as President. Carter now denies that he ever agreed to nominate Wallace for President at the 1972 Democratic Convention in Miami Beach—but Wallace and a lot of Georgians insist that promise was made and broken.

The Jimmy Carter who was running for governor in 1970 spent a few of his last precious campaign hours visiting with Roy Harris, the organizer of the Citizens Council in Georgia and the publisher of *The Augusta Courier*, surely one of the most racist publications ever splashed with red ink. The word "nigger" is used freely in the *Courier*. Carter said then that he didn't want the endorsement of any newspapers, and he didn't get many endorsements but he did get the *Courier*'s. One is led to believe now that Carter would not denounce newspapers of liberal persuasion, given the number of trips he has made to their editorial board rooms. Harris is not now listed as one of the key supporters in Carter's campaign. One is encouraged to believe that Carter always has been liberal on race.

The Jimmy Carter who was running for governor in 1970 enlisted the help of the good ol' boys in South Georgia who thought they knew that he stood for some of the same things they did—segregation, fiscal conservatism, anti-newspaper laws, cheap land taxes;

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many of them broke away from Carter after the campaign. One is led to believe now that Carter is open, ingenuous, concerned about individuals. Sometimes he sounds liberal.

Alas, Maddox is right. There are two Carters. The one who runs for President in 1976 is a forthright, efficient, progressive candidate. Efficient, you say? Of course. He has conveyed to the electorate his willingness to reorganize the federal government so that it will save millions and millions of dollars. He is an efficiency expert who reorganized state bureaucracy in Georgia. He took charge of a government that had almost 300 agencies, boards and bureaus. He reduced them to less than 30 manageable departments. The way he did it is interesting, and a subject he deems to be too complicated for discussion on the campaign trail. Too bad. He could have explained that his reorganization of state government consisted basically of adding a *super*structure of about 25 *Super*heads of *Super*departments to *super*vise the grunts who had been doing the work all along. The number of grunts rose from 49,000 to 60,000 during his tenure. Too bad he doesn't have time to describe his method of working out computer time-sharing among departments. He could explain how the state government eventually found it less time-consuming to farm out a lot of its work to service bureaus and even to the city of Atlanta's computers because the new system that Carter had supervised sometimes lagged by months.

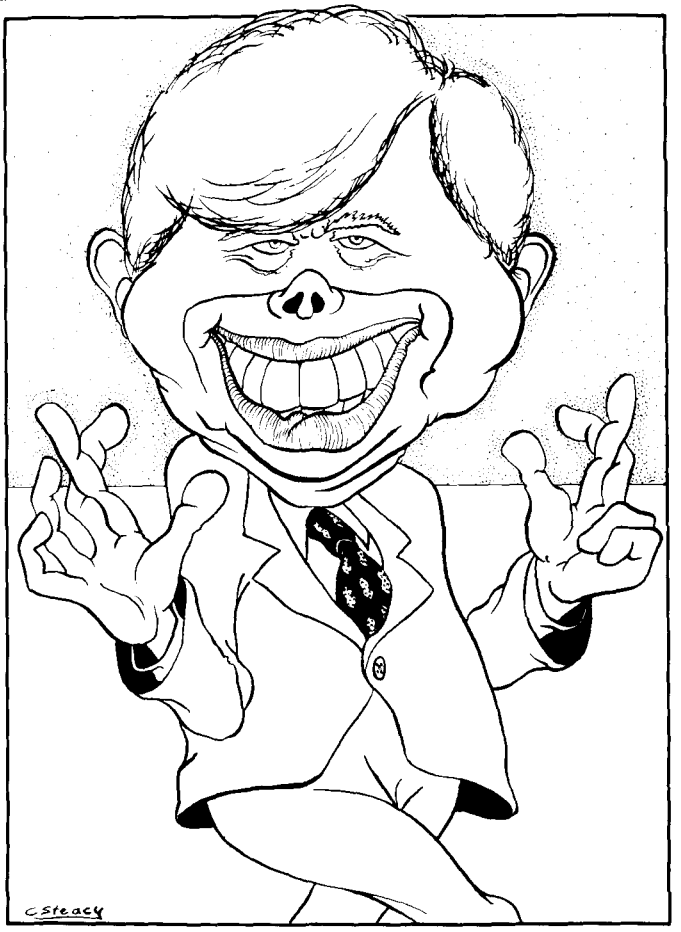
Carter's past only is now beginning to be investigated. One of the facts to be discovered is that he received only five percent of the black vote in Georgia. How does that square with his reputation for being a liberal Southerner? The Carter who now speaks of blanket pardons for the men who decided not to go to Vietnam is a changed man from the one who declared that Lt. William Calley was a "scapegoat" and organized a day in Calley's honor while he was governor.

Sad to say, believers in Carter and his politics are to be found in growing numbers. Businessmen perceive in him a manager of uncommon talent. Populists visualize a man ready to harness the bounty of the nation for the good of the little people. Good government interests hear him saying marvelous things about eliminating waste, and they wonder where he has been for so long. People think he will be better with the frecklebellies than Gov. George Wallace. They expect him to support the Democratic party and teach the bureaucrats how to put their ducks in a row. They have been told the Carter myths and they believe.

A few mythmakers have made it easier for Carter to construct an image unfamiliar to his daily observers. The early observers of Carter's rise to leadership in the Democratic primaries are scattered now to Washington and Detroit and San Francisco and elsewhere. Their contacts have been renewed in recent weeks as they watched incredulously the New York and Washington media hype the New Breed Southerner. Did the hypers know that Carter said before his runoff campaign for governor in 1970, "I could win without getting a single Negro vote"? More importantly, did they care?

I was incautious enough to remark to the *Village Voice* that Carter is one of the three or four phoniest men I ever met. It is a simple matter of my believing that, but the Carter partisans didn't want to understand it. They called not merely to argue, which would have been welcome, but to denounce me for answering the question candidly. My experience comports well with a theory held by the nonbelievers. A group of New York and Washington political reporters had come to believe the nation could be led better by someone outside the Washington power circle. NBC asked in a poll if that were true and found that many Americans do think that. Gov. Reuben Askew of Florida, a truly progressive Southern Democrat, would have done as an acceptable "outsider." But he declined to run. Sen. Dale Bumpers of Arkansas fits the bill. He also declined to run. So we are left with Jimmy Carter who, faced with a choice of returning to the peanut brokerage he partially owns in Plains, Georgia, or run for President, chose to run. To Georgians the idea of Carter as a presidential candidate is hilarious. They yukked it up. "Jimmy Carter is running for *what*?" they laughed. They were certain he wouldn't last long.

He has already lasted longer than they expected. They remember that every candidate in the most recent governor's race tried hard to keep from being



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associated with Carter's personality and politics. He had so little popularity left at home that they all thought his public support would hurt rather than help, even though he was still in office. But plastic surgeons have made him a national figure. The boys in the bus haven't had a chance to look into his background and administration yet. When they do they won't be quite as tempted to produce a papier-mâché mask because political campaigns aren't covered that way anymore—thank goodness.

On the Search for Smoking Guns

The Hiss and Rosenberg Files

by Allen Weinstein

Now that the FBI has opened its files on the Rosenberg and Hiss cases, the search for "smoking guns" has started in earnest. Researchers are pouring over the files in a special "reading room" at the bureau's new J. Edgar Hoover building. The significance of this new FBI policy of releasing masses of documents on such historically important cases remains to be determined. Bureau officials insist that their investigations into the Hiss and Rosenberg cases were honest and professional; therefore it has nothing embarrassing to hide. On the other hand the Rosenbergs' sons Robert and Michael Meeropol, and Alger Hiss, and their respective supporters insist that hidden within either the tens of thousands of pages already released—or, more probably, in the thousands of unreleased pages on which the FBI claims Freedom of Information Act exemptions—there can be found evidence of conspiratorial actions that helped to convict innocent people in both cases. Whatever the truth of these claims, at least one thing seems obvious: Never before in its history has the FBI or any other government investigative agency exposed such controversial files to general scrutiny. Therein lies a tale.

Several years ago, I began work on a study dealing with internal security in the United States during the 1940s and 1950s, in particular, the domestic impact of the Cold War during the McCarthy period. Under the Freedom of Information Act I sued the FBI and Justice Departments in November 1972, assisted by the American Civil Liberties Union, initially requesting only the Hiss files. The complaint I filed quoted extensively from FBI materials that had been released to selected writers sympathetic to the FBI. I asked the courts to replace the bureau's standard operating procedure of "selective access" with a policy of "general access," that is, to release documents to all interested researchers. At the time I filed the suit, I thought it had little chance of success.

Along came Watergate, however, bringing Elliot Richardson briefly to the Justice Department. Richardson issued a directive in August 1973, Executive Order 528-73, opening FBI and departmental records more than 15 years old to inspection by "qualified historical researchers." Richardson's order, although limited mainly to those with academic union cards, involved an important liberalization of the Freedom of Information Act, which had so far failed to relax significantly the restrictions on access to previously classified government records.

Soon after Richardson's order appeared, I asked the FBI for both the Hiss and the Rosenberg files. The following month, September 1973, director Kelley wrote back to say that the two sets of records—a 25,000-page Rosenberg dossier and a 53,000-page Hiss file—would be processed for me. The FBI's estimated charges for "processing" (an apposite word for the heavy-handed blue-penciling and outright deletions in much of the material subsequently released) came to $18,000. Although the Justice Department released several thousand pages of material from its files on the two cases quickly, the bureau continued to stall, despite intermittent pressure from three attorneys general (Richardson, Bork, Saxbe). Finally, in August 1975, Deputy Attorney General Harold Tyler ordered the files released in the near future, and with a minimal number of deletions because of their historical significance. (In a later action, he prevented the FBI from imposing stiff "search fees" for the files, allowing only xeroxing charges to be levied.) Up to that point, I had received only a few hundred pages of the Hiss files

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and none of the Rosenberg records. Shortly after Tyler's order, the two rolls of "pumpkin papers" unused at Alger Hiss' trials were released, along with the first batch of Rosenberg documents. Then last fall the FBI was slapped with two stern federal court orders in the District of Columbia. The first was issued by Judge June Green in Michael and Robert Meeropol's suit for the Rosenberg files. The second, more sweeping order was issued last October by Chief Judge William B. Jones in my own suit; it covered both the Hiss *and* the Rosenberg files. Both judges directed the FBI to release immediately the files in question, and by mid-January the bureau has already opened more than 28,000 pages of material on the Rosenberg case and an additional 11,000 pages of the Hiss dossier. The remainder were scheduled for release by January 31. Further Judges Green and Jones directed the FBI to produce an index of every document in their files in both cases. It should soon be possible for the first time, therefore, to challenge the FBI's withholding of specific documents under the national security, privacy and other exemptions allowed by the amendments to the Freedom of Information Act passed by Congress in November 1974 over President Ford's veto. The struggle to secure scholarly access to dated FBI records has hardly been won. But at least with regard to files of special historical interest, such as the Hiss and Rosenberg dossiers, the battle has entered a new and promising phase.

The difficulties I encountered in attempting to examine FBI materials were not unusual. Other security agencies, among them the Central Intelligence Agency, the Office of Naval Intelligence and Army Intelligence have all deposited at least portions of their older files in the National Archives; there, declassification proceeds on a slow but regular basis. The FBI, however, has no archival policy whatsoever beyond that of protecting *all* its records, however ancient, from public disclosure. Thus, in the past few years, scholars studying subjects a half century old—the government's campaign against the IWW during World War I, for example, or the "Palmer Raids" during the 1919-1920 Red Scare, the investigation of Harding's attorney general, Harry Daughterty, or the Sacco-Vanzetti case— have regularly been denied access to the bureau's files. (There may have been some changes in this situation since Tyler's directive on the Hiss-Rosenberg files.) J. Edgar Hoover's ghost still haunts the bureau's personnel and practices, and it may not be farfetched to suggest that until the late director's death the bureau never really had a historical "past." Even events as distant as World War I radical raids and the 1919-20 Red Scare, after all, involved episodes in which Hoover himself had participated. In that sense, they remained current events—not "history"—in the mind of the director. When Hoover died, the FBI acquired overnight a half-century-old history, one that scholars can begin to probe intelligently only when they are guaranteed more regularized means of access to the agency's files. Yet even today, Congress, the Justice Department and the courts have failed to tackle the complex problem of rationalizing the administration of FBI records.

The bureau's files contain valuable and irreplaceable materials, not only on matters of internal security but also on a variety of other historically important subjects, ranging from labor history to women's history, from black history to the peace movement. Even more important than the issue of whether particular scholars receive the specific materials they seek, therefore, is a broader and more urgent need. Under the supervision of a joint committee consisting, perhaps, of FBI officials, historians and archivists, all files more than a generation old should be removed from direct bureau control. They should be deposited, with appropriate safeguards, in the National Archives, if only to preclude their being "lost" (the fate of certain Rosenberg files I requested), burned (as Hoover's successor, L. Patrick Gray, did with Watergate records), or otherwise misplaced, given the general confusion that appears to be the normal condition of the bureau's allegedly efficient filing system. Efforts now underway by Congress and the Justice Department to supervise more closely the agency's operations provide an excellent opportunity to begin the process of reorganizing the FBI record-keeping procedures.

Only the gullible and the ultra-partisan truly believe that some "smoking gun" will emerge from these records, some single and unique piece of evidence that will prove a specific theory of either the Hiss or the Rosenberg case. The FBI files, important as they are, can be only a part of any serious attempt to understand these episodes. Many other sources of information must be studied—files from the Justice Department, the State Department and other government agencies; materials contained in public repositories such as the Hoover Institution, the Roosevelt Library at Hyde Park, the Truman Library at Independence and the Library of Congress; and, of course, the basic printed primary sources. Also, for any serious study of an event in modern history, the participants must be interviewed extensively. Historians, even those armed with FBI files, must recognize that there are no shortcuts to the normal research process.

The concern of the historian must be to avoid the certainties voiced by partisans of the government, of Hiss or of the Rosenbergs and to *de*-mythologize the episodes for those who are open to persuasion by the weight of evidence. Major and unresolved questions remain in both cases, and the FBI materials have already begun to clarify these. But no substantial evidence has *yet* emerged to demonstrate that either Alger Hiss or the Rosenbergs were—as their more vociferous defenders insist—victims of callous conspiracies designed by FBI officials and others highly placed in government. Material still to be gleaned from the FBI

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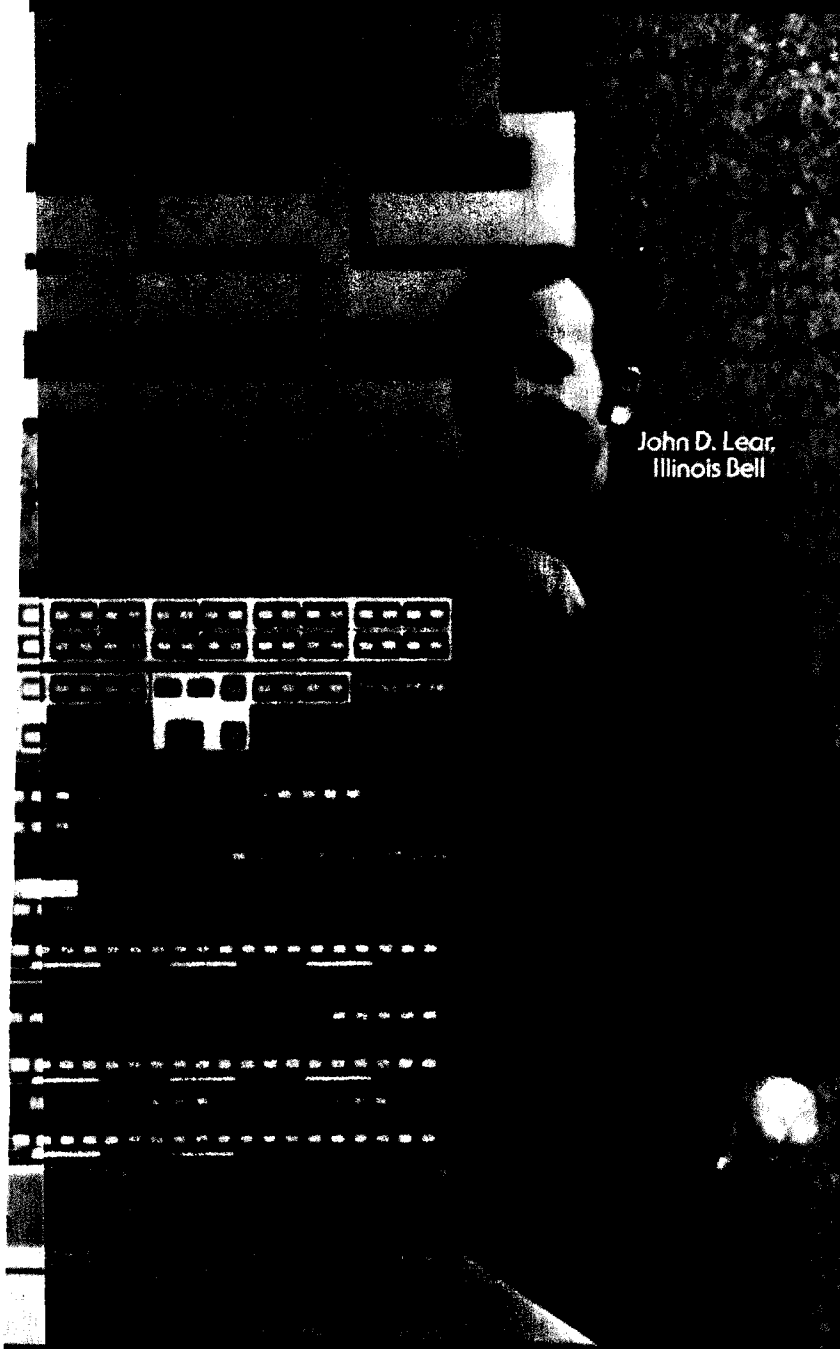

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files may or may not bear out such conspiracy claims. The danger is simply that, given its post-Watergate mood, American public opinion today will accept such charges far more readily than it would have in the past, with or without adequate proof.

Alger Hiss and the Meeropols (on behalf of their parents) seek historical vindication. They have been candid in recognizing that Watergate, here as elsewhere, was a watershed in the campaign to reawaken public interest in their cases. Hiss, in this view, was Richard Nixon's "first victim," and Nixon's downfall has done more to legitimize public interest in Hiss than the uncovering of any new and substantial evidence to demonstrate his innocence. As for the Rosenberg case, Robert Meeropol aptly observed last year: "The biggest obstacle we have to overcome is the public's unwillingness to believe that the government could have been dishonest." The recent revelations of deceit, dishonesty and disreputable practices at the highest levels of American government over the past few decades—beginning in the Oval Office and extending to both the FBI and the CIA—have largely removed this obstacle. Given the condition of belief—or, more precisely, *dis*belief—that presently prevails in the United States on such matters, it is little wonder that every actual, possible or conceivable "conspiracy" within recent memory has been reopened for scrutiny. This relatively recent exposure of the extent of official deception has eroded among normally cautious Americans the will to challenge even the most fantastic charges.

As both a Jew and a historian, I am regularly reminded—by the ultra-right as well as by the extreme left—of my responsibilities in dealing with such alleged conspiracies. One energetic defender of the Rosenbergs warned me that unless my book confirmed the couple's innocence, I would promptly join an apparent list of "Jewish kapos" alongside Irving Saypol and Judge Irving Kaufman. Presumably I (like Judge Kaufman) would lose my right to speak without harassment before a public audience. At the other, equally virulent, end of the spectrum, certain anti-Semitic correspondents remind me regularly that (in the words of one) "a movement is afoot to rehabilitate the Rosenbergs, Hiss, etc., not because you seek justice but because they were Jews [a claim that would surprise Hiss] . . . the pillars of Communism [are] Marx [and] Trotsky, and underneath every Jew whether he knows it or not beats a collective heart." Although lunatic fringes, left and right, have lost their earlier monopolies on the paranoid style in today's more widespread climate of suspicion, my own mail suggests that for many people, the old conspiracies are still the best.

Not that all charges of conspiracy are necessarily frivolous. The FBI files, once available, may indeed reveal a clear pattern of bureau tampering with evidence or with testimony of witnesses in these cases. *Asserting* a conspiracy, however, and *proving* one are quite different things. Serious writers will scrutinize the FBI files carefully before presenting any systematic or comprehensive statement on what they may demonstrate when studied along with other sources of information on a case. But all charges of perjured testimony, doctored evidence and official cover-ups—charges that have been raised—must be examined thoroughly. Otherwise the credulous will simply assume the truth of *all* such charges. "What are *they* hiding?" runs the ubiquitous question. It would be a reckless scholar who, in the aftermath of Watergate, could confidently respond, "Nothing," without first carefully examining each specific question.

My own scrutiny to this point of the FBI's Hiss case file indicates, at times, the bureau's *incompetence* in that investigation but not its malevolence. It has failed, to cite only one example, to check adequately on Whittaker Chamber's charges against Hiss until the House UnAmerican Activities Committee raised the case in 1948, although the FBI first received information about Chambers' work in the Communist underground in 1940 and first interviewed him two years later. The files also detail both the extraordinary degree of suspicion with which the FBI viewed HUAC's competing investigation of the Hiss case and the difficulties faced by director Hoover in dealing with Attorney General Tom Clark. The FBI documents show that, even after Whittaker Chambers produced the "pumpkin papers," the Justice Department still hoped to secure a perjury indictment against him rather than against ex-New Dealer Alger Hiss, apparently because of President Truman's insistence that the case could be explained largely as a "red herring" directed against his administration by the Republican-controlled HUAC. Only in mid-December 1948, days before Hiss' indictment by a federal grand jury in New York City, did the FBI receive authorization from Justice (quoting Assistant Attorney General Campbell) to "let the chips fall where they may."

FBI interviews during the month with Henry Julian Wadleigh, Franklin Victor Reno and others who had supplied Whittaker Chambers with government documents during the mid-1930s confirm the latter's importance as a Communist courier. They undermine the frequently raised argument that Chambers may have concocted or exaggerated his role within the party's underground. In this connection, the bureau has released a number of interviews it conducted with another member of Chambers' underground network whose activities have been kept secret until now. This unsuspected informant, a photographer named William Edward Crane (code name "Keith"), verified a great deal of Chambers' testimony.

Shifting to the Rosenberg case, both FBI and Justice Department documents suggest the degree to which the prosecutor's decision to ask for a death penalty in

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that trial emerged only after a period of heated bickering between the prosecutors (who initially opposed such a move) and the Atomic Energy Commission (which favored it and won out in the end). The files also sustain the charge raised by attorneys for the Rosenbergs that the chief government witness, Ethel's brother David Greenglass, had stolen a chunk of uranium from Los Alamos after the war, an incident that the FBI was investigating even before it shifted its attention to a broader probe of the Fuchs-Gold-Greenglass-Rosenberg connection. At the same time a significant body of evidence emerges from the files—in letters exchanged between the Greenglasses during World War II and in Julius Rosenberg's one interview with the FBI prior to his arrest—to suggest that Greenglass tried to inform Rosenberg about the secret work he was engaged in and that the latter knew the general nature of that work. A surprising revelation was that J. Edgar Hoover and other high government officials close to the case had recommended clemency for Ethel—but not Julius—Rosenberg. FBI records on the case released thus far also suggest that Greenglass implicated his sister Ethel in his account of the spy ring far less (at first) than he did Julius. Finally, a new character emerged from the files to assume an immediate position of prominence in the case, a mysterious informer named Jerome E. Tartakow, who supplied the FBI with information about the alleged Rosenberg spy ring gathered (he claimed) during jailhouse conversations with Julius Rosenberg. Although the bureau remained uncertain about Tartakow's reliability, he did apparently provide them with leads that led to the last-minute discovery of a Manhattan photographer who testified, with devastating effect, at the couple's trial that he had made passport photos for them shortly before their arrest. Apparently the FBI could not verify much of Tartakow's other information, but—until he is discredited—he still remains a significant link between the Rosenbergs and the crimes of which they were accused.

What these and the other hard nuggets of information that can be obtained from the files add up to remains arguable. It is evident, however, that there has yet to emerge from the FBI files a coherent body of usable material that would validate the guilt or vindicate the innocence of either Alger Hiss or the Rosenbergs. Whether a more conclusive story will emerge after carefully examining the bulk of the files (remembering that the bureau will always hold back a certain number of documents) remains to be seen. Certainly partisans on both sides will find evidence to validate their previous claims; but historians uncommitted to any initial version of events may not be equally satisfied. Once the "smoking guns" have been returned to their holsters, scholars will still be left with the slower, more tedious job of sifting *all* the evidence, FBI files included.

The most reasonable objection to releasing these quarter-century-old FBI records on the Hiss and Rosenberg cases has been that such release violates the privacy of people mentioned in the files. Even the FBI has abandoned the argument that *most* of the documents involved should be withheld on national security grounds, but it has grasped like a drowning man to the anchor of privacy. Ignoring, for the moment, any possible irony in the FBI's belated argument against release on grounds of privacy, the argument itself has merit, especially when applied to anonymous informants or others only peripherally connected with the two cases. I have raised no objection to having such names removed from the files before release. (It should be noted, however, that the FBI has been far less concerned over the possible injury to be suffered by such barely known individuals than it has been over protecting the privacy of key government witnesses, such as David and Ruth Greenglass, who live today under different names and whose private interrogations by the bureau are integral pieces of historical evidence.) I share the bureau's professed concern over legitimate limitations to the "right to know" in a democratic society. Although secrecy has abused its claims during the past quarter century, privacy has not. The two must be held in delicate balance, even in connection with the records of public officials, although in practice it can be painfully difficult to define the "private" part of the life of a public person.

My own rule of thumb in dealings with government agencies has skirted the general issue by arguing, instead that most people involved in these particular cases, either as principals or as major witnesses, not only testified in open court; they also testified before congressional committees or published articles and books based upon their stories. Such actions might be interpreted to mean that the individuals themselves have voluntarily waived their demand for privacy—at least insofar as their knowledge of the evidence is concerned. Deputy Attorney General Tyler, in ordering the FBI to expedite release of the files, accepted my basic argument on this point.

The danger of abuse remains present at all times. As someone who values his own privacy highly, I find myself uncomfortable even with my own working compromise on the matter of privacy and FBI records, a compromise that now governs the bureau's processing of the Hiss and Rosenberg files. Historians using such material bear a special responsibility to ensure that—at least in their hands—the pursuit of documentary "smoking guns" does not become all-consuming, abusive, and headline-hunting. The great danger in using FBI files and other previously classified government records is that a scholarly variant McCarthyism will replace the careful assessment of new data—data that must be correlated with all the other available evidence if they are to provide answers to the many unresolved questions in such controversial cases.

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Arts and Lives

Stanley Kauffmann on films

Wertmüller

Seven Beauties . . . that's what they call him (Cinema 5). "Tragic farce" is not a new term, but it's an ascending idea in our time. Think of Beckett and Ionesco. (It's precisely the term that the latter applied to *The Chairs*.) Think of the Lester-Wood film *How I Won the War*, the bitterest indictment I know of the killer instinct in men, hung on a plot about building a cricket pitch behind enemy lines for the advancing British army. Now Lina Wertmüller, an Italian despite her name, has written and directed another tragic farce, another film centered on World War II (with another serpentine Wertmüller title), in which the horrors are hung on a ludicrous plot. An Italian deserter, in a German prison that reeks with murder, uses his Neapolitan amatory wiles on the prison commandant—a woman built like a brewery horse—in order to save his life.

Can that be funny? Can it make us laugh when the Italian leers lecherously at the commandant as she stands in front of a hanging corpse, when he pulls that infamous prison cap down over one eye to make himself look dashing? The terrible answer is yes: because by this point in the picture farce has been interwoven with tragedy—we know we are in the hands of someone who uses farce to underscore the tragic, to complete a broad spectrum of connections. We laugh at the Neapolitan because we know from the unfunny things we have already seen how desperate he is, just as we shudder, moments later, when an old anarchist friend of his drowns himself in the prison latrine, making his suicide a ghastly-comic metaphor of what life has become.

The Neapolitan is then forced by the Germans to shoot another friend in order to survive. He does. He survives. At the end he is back in Naples. At the end his face, determined to survive, fills the screen; having done what he has done for the privilege, determined to survive.

I have got to the crux at once so as to be blunt about the film's "bad taste," its mixture of modes, then to trace what leads to this crux, hoping to show why, in spite of some flaws and because of this crux, *Seven Beauties* is an absolutely stunning piece of work. Wertmüller proves here more brilliantly than before that she is a somewhat erratic but individual, strong, fierce talent.

The present tense of the picture is the war, in Germany. The flashbacks, which are a great deal of the story, are in Naples. Pasqualino Seven Beauties—so nicknamed because he has seven unmarried homely sisters—runs them and other women in a mattress factory. (Bed supplies!) Giancarlo Giannini is Pasqualino and, in these sequences, plays him much like the cockerel of *The Seduction of Mimi*. Another man makes a whore of his oldest, ugliest sister. Because of male honor—always strongest in males who have little else—Pasqualino kills the man, pleads insanity and eventually gets out of the asylum by a transfer to prison so that he can volunteer for the army. In Germany he deserts. After the prison, after the war, he sees that *all* his sisters have become whores. So has a sweet girl who adores him. He tells the girl to quit: they will marry. Before the war he killed a man for making his sister a whore. Now he, his sisters and his girl have whored to survive much greater killing.

Wertmüller has loaded her film on the back of a despicable, cowardly buffoon. She is far from saying that this is all of men or of humanity, but her story is a long way from Rossellini's *General della Rovere* in which wartime extremity exalted a swindler-pimp. Pasqualino is the kind of man who, in a mental hospital, rapes a woman patient who is bound spreadeagled on a bed; and he doesn't change. Even such a man, Wertmüller implies, is grist for the power merchants; even in such a man the instinct for survival matters and takes what form it can within his character.

It matters because Wertmüller neither revels in his baseness nor shuns it. She treats him as only Italians can treat an Italian (all those Alberto Sordi films, for instance), measuring idealism by practicality (but Pasqualino's measure is extremely narrow), subjecting him to the facts under chivalric gesture (when he's disposing of his murder victim, the heavy corpse keeps farting).

Wertmüller's eye is fantastic in both the loose and strict senses: she sees the world as a series of bizarre settings. Sometimes she takes this into what I would call the Bertolucci error, where *everything* is estheticized, nothing at all is seen simply. Even the assembly hall of the prison (in Tonino delli Colli's camera) looks like a misty cathedral. And there is a structural uneasiness in the script. At the start, via a newsreel collage of Mussolini and Hitler and a caustic song, the picture's theme—the powerless versus the powerful—is rammed home. But much of the picture deals with Pasqualino's pre-war, apolitical life.

Well, apolitical it is, but perhaps it connects obliquely with the theme. Pasqualino is in the grip of a role imposed by society, in Naples as in Germany: a male role which Wertmüller sees as both ludicrous and corruptive. What her politics are I don't know. (Though she could hardly be a rightist, she caricatured leftists in *Swept Away*.) But sex is the prism through which she sees social-political subjects: the brothel of *Love and Anarchy*, the secret mistress of *The Seduction of Mimi*, the sway of King Penis on a desert island (*Swept Away*). Pasqualino's theatricalized maleness, which almost cost him his life in Naples, saves his life in Germany.

Jean Genet's wonderful play *The Balcony* shows this interrelation of power and sex drives, the soldiers who

Films Worth Seeing

The Man Who Would Be King. Kipling's rousing Indian tale filmed by John Huston with appropriate swash and buckle.

One Flew over the Cuckoo's Nest. Jack Nicholson is tremendous in this dubious allegory set in a mental hospital.

The Story of Adèle H. Ravishingly well-made, but why did Truffaut distort the clinical history of Victor Hugo's demented daughter into a sad lyric?

Swept Away. Wobbly ending, otherwise sharp social-sexual comedy of rich woman and poor sailor cast ashore on desert island.

SK

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fight "with one hand on the trigger, the other on the fly." Wertmüller, in a culture where maleness dominates, uses maleness as the locus of tragedy because it is brutal; as the locus of farce because it is sexual and farce is inseparable from sex; as the locus of power analogies because, traditionally, male sex means conquest.

Giannini still poses, still pops his eyes a bit, but he is gripping; and Wertmüller makes the most of the fact that he is more of a mime and dancer than an internalizing actor. (He would have been almost as good in silent films.) The American actress Shirley Stoler (presumably dubbed), who was the fat inamorata in *The Honeymoon Killers*, is even fatter as the commandant and gives us an Ilse Koch well *gekocht*.

All Screwed Up (New Line). This stupid title has been put on an earlier Wertmüller film whose title can translate as *Everything's in Place, Nothing's in Order*. It was made in 1973, without Giannini, just before *Swept Away*. I saw it just after *Seven Beauties*. It's strident, ecstatic, restless, perceptive, humane, comic, despairing. It takes banal material and sizzles it electrically into new life.

Two high-spirited young countrymen arrive in modern Milan the same day as a timid Sicilian girl. The three of them, with some other young people, take a huge apartment in a slum building that is like an old island amidst skyscrapers. They are all shepherded by a hardheaded thirtyish Milanese woman who educates the girls in realities while the city educates the men. Nobody ends up as he started or expected.

Wertmüller is so *impatiently* talented that she tears into everything whether it quite needs it or not. With Giuseppe Rotunno as cinematographer, she whirls so energetically into her subject that her film ends with the camera submitting literally to the whirl of the city. She gets drunk on the rhythms of a slaughterhouse, of a huge restaurant kitchen. Yet in between, with tenderness and shame, she sees quietly the changes in people that are unperceived by themselves.

Wertmüller overdoes, empathically. (That final camera whirl, for instance, or some heavily ironic music.) But you have to be able to do in order to overdo. At 43, with the insights of 43, she has the ebullience of 23. I hope it means she has a long career ahead.

Bicentennial Dylan

Desire

When Bob Dylan was on ETV's "Soundstage" recently, he dedicated his new song "Oh, Sister" to someone in the audience. "She knows who she is," he said, and five women in my living room gasped simultaneously while the rest of us resented the exclusion. The release of a new Dylan record—like a new Kubrick, Bergman, Miles Davis or Pynchon release—creates a ritual, tribal and communal response in people. We may not have seen each other in months, but we find time to gather around each other—by phone, letter or hand to hand combat—when such an event occurs. For Dylan is as much an event as an artist, as much an institution as a singer.

Today, as I write, Super Bowl X is on the network tube, with some 75 million Americans gaping at its colliding images of a wholly different America. On the tube today what counts is putting things together smoothly, Bradshaw to Swan, both men ignoring concussion, both above pain; what counts on the tube today is executing well, not fumbling, crunching toward checkmate and the final score. With Dylan, however, what matters are the moves of things falling grandly apart, erupting unexpectedly on a daily basis and our moments immersed in pain. What matters are our failures, the moments of one more cup of coffee before we leave love for the valley below, the moments of wondering why Joey Gallo got blown away and Hurricane Carter framed, or the moments when we learn that our lovers forgave us not our trespasses. Remembering the losses at all our ends, Dylan sings, "We grew up together from the cradle to the grave," but then turns defeat to victory precisely by noticing pain, anguish and desire: "We died and were reborn and left mysteriously saved." For Dylan, the final end is always around the corner, but never quite here, so it's the fumbled things we do that he watches.

Though the date on *Desire* (Columbia PC 33893; $6.98) is mid-decade 1975, the release was in the first week of January 1976, yes, of the Bicentennial year. And that cancer has had its bite here too, because there is little doubt that the national solemnity lingered in Dylan's mind as he gathered these songs, as he gathered his "shame / To live in a land where justice is a game," as he gathered his cast of zootsuit characters ranging from jailed boxer Carter to dead mobman Gallo to mythic Isis to wife Sara. His 19th full album in the 14 years since he first recorded his own material at age 20, *Desire* has about it the feel of a State of the Disunion message, sung, chanted and talked by a man with great power, if indirect, and greater integrity, certainly, than most of the people addressing us this year. When he hears from his partner in "Isis" that they will return from their odyssey to the North "by the fourth," and replies, that's the "best news I've ever heard"—then that suggests one attitude toward America. But when he sings, in "Black Diamond Bay," that "there's really nothing anyone can say" about the land's hard luck stories—that tells something different. Would-be patriotism and resigned cynicism are the oil and water of this record.

The more listenings people devote to *Desire*, the more its parts separate, and the more impressive is Dylan's desire to yoke them. His yoking fails here more than in any other of his albums, except *Self Portrait* (1970). Still *Desire* grows more interesting exactly because of the way the parts have a will of their own, a recalcitrance to Dylan's will. If in his affectionate liner notes Allen Ginsberg calls "One More Cup of Coffee" a "Hebraic cantillation never heard before in US song," there are few who can call him on the judgment. But perhaps I can add as a Tallahassee Texan that there's a whole heap of Country and Western hunkered down in the midst of that Jewish mysticism. And the point is that whoever this Jewish-poet-cowboy cantillating country music is, and whatever his song's stubborn parts, they all differ vastly from Hurricane Carter and *his* song, from Sara and *hers*; and these have only Dylan's compulsion, sense of national absurdity and consistent in-

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strumentation tying them to the dying dreamer of "Romance in Durango," or to the sister of "Oh, Sister."

Preferring honest anarchy to pretended order, Dylan's new work senses without making, without constructing, without building a concrete structure, without giving audiences easy handles to hold. Everything slips away (like Scarlet Rivera's fiddle), everything cancels everything else out (like Howard Wyeth's drumming), and that's why so many people are going to claim that an album like *Desire* doesn't make sense. It doesn't. If there is any sense in the grooves, it will be private sense, drawn in on a gasp and breathed out in a sigh; it will be sensual. It will not be consensual. For at the heart of Dylan's work these days is the assumption that consensus values are really gone.

Nor shall they be replaced. This is an album of maturity, not of resignation but of acknowledgment—where desire is an everyday affliction, where dream-songs are written on rising before going back to sleep for 40 more winks, where apocalypses happen in nearly every tune only to be passed over casually. For instance the "hot mass of the deluge" is hidden in a bizarre song called "Black Diamond Bay" that ends up on a TV screen in LA, narrated by "Old Cronkite," forgotten as Dylan goes for another beer, saying he "never did plan to go anyway to Black Diamond Bay." Dylan writes that he grasps and lets these experiences go "in a heavenly way": like a god with a god's foreknowing. Nor am I alone in these associations, for Nat Hentoff's good article in *Rolling Stone* on the recent tour, "Rolling Thunder Review," was appropriately called, "Is it Rolling, Zeus?"

Yet I wonder if gods become gods by trying. Dylan holds himself here more as a dowsing than as a lightning rod, and it is that going out looking for trouble rather than simply drawing it to himself and feeling and absorbing it that produces the nagging mood of a classroom exercise. Despite the aching plea of "Oh, Sister," the dreamy plausibility of "Isis," the angry certainty of "Hurricane," the confessional "Sara" ("Loving you is the one thing I'll never regret")—still there's the sense of taking stock this year, of experience practiced rather than experience endured, of performing the great American album. Hence Ginsberg keeps calling the songs short novels in verse. Hence Dylan's research: he visited Carter in prison, uncovered inside news about Joey Gallo, read up on Isis, retired with Jacques Levy for weeks to crosscheck details and polish tropes. The references span the continent east and west, north and south, black and white, male and female, single and married, and all their twilight zones. Dylan was always a quick study, certainly, but there's this about playing God—it's not a part you can cram for.

I liked him better back in 1967 when he was just a wheel on fire rolling down the road looking for his "Lo and Behold" (*Basement Tapes*, released last year). And I liked him better yet, again last year, when he was tangled up in blue, feeling idiot winds and thanking Sara (presumably) for her shelter from the storm. But this still is good Dylan, and good Dylan from all his stages, protest songs through surrealism and The Band right down to *Blood On The Tracks*. I think of it this way: *Desire* is Dylan thinking as often as Dylan musing, and that's the problem.

W. T. Lhamon, Jr.

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Books Considered

Revolution, Reform and Social Justice by Sidney Hook

(New York University Press; $13.75)

It has been some time now since Sidney Hook exerted a powerful influence as political philosopher of the anti-Stalinist left. In his early writings, especially his fine work of scholarship *From Hegel to Marx*, he showed a methodological sophistication, a close knowledge of the Marxist texts, and a gift for polemical tournament such as few American intellectuals could match. Yet, in recent years, he has either been ignored or savaged by the kinds of intellectuals who supported the New Left and found political guidance in Marcuse, Mills and Sartre.

The reasons are complicated. In some quarters Hook was dismissed as a "mere rationalist" championing worn-out liberal notions at a time when trans- or anti-rational thought was required. Others attacked him as a right wing Social Democrat fanatically hostile to Castroite, Maoist and home-brewed Leninist ideologies. Still others, refusing him the honor of liberalism, were repelled by his increasingly fixed positions on such current matters as Communists teaching in universities, the Cold War, affirmative action, the last presidential election, etc. It was Hook's fate, as an ever-poised polemicist, that almost anyone could find something to disagree with, or disagreeable, in his writings and therefore dismiss his genuine contributions.

Those contributions are lasting and substantial, as his new book of essays shows. The best of these essays, studies in Marxism and recent fashions in Marxology, are cogently argued, sharply composed, deeply informed. They work out the liberal-Socialist point of view: "that political democracy without economic or ethnic or social democracy is incomplete; but . . . that economic or ethnic or social democracy without political democracy is impossible." Moving from this premise, Hook proceeds, in an excellent essay on Marxism and the Enlightenment, to locate what he regards as a central flaw in Marxism, a flaw that enabled the deformation of Bolshevism: "Marx's interpretation of the doctrine of natural or human rights as pure ideology, his attempted reduction of them to mere expressions of personal and class egoism in civil society, despite his implicit and sometimes explicit invocation of them in the struggle for a [Socialist] society . . . "

Whenever genuinely engaged with a problem and not merely toppling opponents, Hook is thoughtful and keen. But too often, his polemical fervor takes possession. He is correct, I think, in debunking the recent trend to find gnomic wisdom in the writings of the early Marx and to insist that these are mostly Hegelian exercises of a brilliant beginner. But he does not really stop to investigate as calmly as he should whether the metaphysics of "alienation" in the early Marx leads to the more precise and socially inflected analysis of the mature Marx. Nor does he really try to get behind the murky language of the

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early Marx to reach his genuine insights (I mean the early Marx who could write: "laws are positive and lucid universal norms in which freedom has attained an impersonal, theoretical existence independent of any arbitrary individual. A statute book is the people's bible of freedom.") Nor, in his zeal to refute Marcuse and Sartre, does he ask why many people have recently turned to the early Marx—though Hook himself provides part of the answer when he notices that as a result of having learned that exploitation can survive beyond capitalism, the more sensitive Marxists have sought in the early Marx clues to a sociology of exploitation which might enable them to develop terms of criticism applicable to all industrial societies.

On some matters, nevertheless, Hook is first-rate. I have never read a better demolition than his essay, "The Human Costs of Revolution," of the glib Marcusean notion, frequently heard a few years ago in student leftist circles and still repeated by liberal professors fancying themselves *real politikniks*, that the "excesses" and "costs" of Russian (or Cuban or Chinese) communism are the equivalent of the "excesses" and "costs" of the Industrial Revolution during the early stages of capitalism. Hook is devastating on this:

> *These costs [of the Industrial Revolution in England] were the object of bitter criticism [such as could never be expressed in Communist Russia]. A great deal of the data dramatically used by Marx comes from the reports of the official factory inspectors. The alleviation of these hardships . . . became the active object of parliamentary and trade union activity . . . There were no mass purges, deportations, executions, and forced labor concentration camps for millions.*
>
> *The millions of casualties of the continued civil war waged by the Kremlin against the Russian population had nothing to do with the processes of industrialization except to hamper them. The claim made by some Western apologists . . . that the organized terror by the regime was necessary for the expansion and functioning of industry . . . sets on its head the simple truths about the prerequisites of industry.*
>
> *What is odd [about the comparison between the costs of industrialization in the Soviet Union and its cost in the West] is that a series of events which no one agency or institution willed is being compared with a series of events which was the result of a deliberate program . . .*

Yet, despite the excellence of several essays in this book as investigations of Marxist thought and polemics against its authoritarian distortion, one's uneasiness remains—more, perhaps, about the general role of the author than the particular value of the book.

Being a Socialist comes, I think, to more than having the correct fundamental premises and analyses which Hook puts forward. Something else is wanted: a passion, a sympathy, a capacity to respond warmly to the insurgency of oppressed groups even if their tactics are judged to be faulty and self-defeating. One wants a willingness to see, for example, that the campaign for "affirmative action" in the universities is more than a threat to proper academic procedures, since it stems from the outrage of women who for a long time have been given a raw deal by male administrators and colleagues. One wants an ability to see more in the movements and sentiments behind the McGovern campaign than McGovern's repetition of illusions about détente and the Communist powers which Hook ties in with Henry Wallace. On many such matters Hook will often score a point, yet his political views seem to me rigid, righteous, rejecting: a superior intellectual equivalent to the politics of Meany, Lovestone and Shanker.

It is something of a problem that while I find myself in substantial agreement with Hook's theoretical studies and am glad to acknowledge how much I have learned from them, I also find myself disagreeing with him on many specific political issues. How can this be? In part because no general principles necessarily lead to a given set of political choices. If they did, there would be no need for intelligence and experience. But more is involved. Perhaps it is that even the best of political theories must prove inadequate to our increasingly disordered world. Or perhaps that there are elements wanted—no, desperately needed—in politics, elements having to do with moral sympathy and openness of imagination, which neither the rightness of our principles nor the keenness of their exposition quite insures.

Irving Howe

Irving Howe's most recent book is *World of Our Fathers* (Harcourt Brace Jovanovich).

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Upton Sinclair: American Rebel by Leon Harris

(Crowell; $12.95)

Upton Sinclair wrote so many books and conducted so many campaigns against capitalism and the devil that he had little time for a private life, except of course the private life of the lonely writer at his desk wondering what to say next. Upton did spend ages and ages at that desk—for he wrote nearly a hundred books there—but while he was at the desk he was indulging the private-*private* life, which meant that his wives and friends were supposed to go on with the private life without him. It became therefore their conviction that Upton was more interested in his books and projects than in them, a conviction with which Upton tended to agree. He had a sweet disposition but he was probably sweetest on platforms, on paper and with strangers. He was one of America's most extraordinary public figures for many decades, and he became so accustomed to his public role that in the end there was little private life left. As he aged he became, when not performing, a recluse with an unlisted phone whose night life consisted largely of going off alone to movies while his second wife stayed home so that she wouldn't have to put her teeth in.

Or so biographer Leon Harris reports—about the teeth—in his good new biography. He is not at all friendly about that second wife, Craig, who was the one with whom Upton lived for nearly 50 years and whose image until now has been of the loving housewife who cared for the money, looked after the master's needs and even believed in his socialism. Harris introduces Craig by saying that at the age of 26 she discovered that she couldn't be an artist, hence decided to eat one, and so latched on to Upton as his first marriage was crumbling. Thereafter she lapsed into hypochondria and avarice, and Upton took care of her even to the extent of writing most of her autobiography for her, the book called *Southern Belle* that provided the *happy* account of their marriage that the world has depended on until now.

Harris does make a few concessions to Craig—and really she must have had something going for her to account for Upton's consistent praise of her—but he obviously prefers the first wife, Meta, that is, the nymphomaniac. It was Harry Kemp the tramp poet and friend of Upton's who advised Upton of her nymphomania after he had himself cuckolded Upton and then found that she had moved on to yet another; but for biographer Harris it was a group of letters that Meta wrote to Upton later, and to her son by Upton, that revealed her sexual troubles. The letters are known as the Stone manuscripts (Meta was later married to a man named Stone) and are part of the enormous collection of Sinclair material at the Lilly Library of the University of Indiana where Harris burrowed. The Stone manuscripts are probably the most revealing private material that the collection has to offer, and they are also well suited to Harris who presents Upton as far from warm and loving. He craved headlines and the attentions of the great, was incapable of real intimacy, was troubled by small talk and children, and never really learned about sex though he liked to talk rationally *ad infinitum* about it in public. He also tried to compete sexually with Meta, when she was busy with her cuckoldry, by having a couple of extra-marital affairs himself and then dutifully reporting on them to Meta. In one instance "he even described the flimsy texture of her nightgown when she had sat upon the bed beside him"; but then he felt obliged to admit that he became frightened by the woman's advances and had to struggle to escape from the scene "inviolate." The account of the event may of course be prejudiced, being Meta's.

But how he could *talk*, about sex or anything else. He talked up such a storm to Teddy Roosevelt—about meat-packing and trusts and what-all—that Roosevelt suggested to a friend, "Tell Sinclair to go home and let me run the country for a while." He took on the oil industry, the coal industry, the press, the universities, the churches, Rockefeller, Ford, Carnegie. He backed good causes and kooky causes, he had a position on everything, and he averaged something like 15 letters a day (on top of his other writings) setting the appropriate authorities straight. He also was, for a great many of his books, his own publisher and publicist, and he ran for public office on several occasions but, most spectacularly, for governor of California during the depression (he nearly won, and probably would have if the opposition had not mounted an enormous campaign of vilification. "See," said Upton afterward, "what money can do in America and what it is prepared to do when its power is threatened.") He could be angry, and sometimes petty, about his setbacks, but he could not stop talking or writing—and his words were clean and clear. He had a genius for simple exposition and argument. He had a sharp wit. He loved to demolish the opposition—on paper or on a platform—but he loved also to have all the issues out in the open. He fought fair, mostly, and though he was frequently the target of ridicule, scorn, hate he emerged in the end—after a furiously busy, incredibly long career that had him grinning madly from a wheelchair at President Johnson in the White House as late as 1967—as something of a saint among American radicals.

One could argue with Leon Harris that in describing Upton as an American rebel rather than a revolutionary he in effect belittled Upton's radicalism. Daniel Aaron issued a similar judgment some years ago in his *Writers on the Left* when he declined to describe Upton as a genuine Socialist, preferring instead to call him unique, unclassifiable. Upton would not have liked either of these judgments since he believed that he *was* Socialist—and not anarchist-Socialist either. He believed in the importance of party solidarity, organization and platform unity to achieve (by the ballot) political power, and he believed in basic Socialist principles. He ran as a Democrat in California only because he felt—and he was probably right—that it was no longer strategically wise to go about labelled as a Socialist; and though some of the Socialists including his own son felt that they had been betrayed when he did so (his son telegraphed him, "ALMOST COLLAPSING GRIEF INSANE OPPORTUNISM IS IT POSSIBLE YOU HAVE LOST ALL INTEGRITY AS MAN AND SOCIALIST STOP LEADERS HERE THUNDERSTRUCK") the evidence of his speeches in the gubernatorial campaign suggests that he had not changed his principles but was still as strong a believer as ever in a gradualist shift to public ownership and all the rest. But Harris justifies

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calling him rebel rather than revolutionary by denying that he had this kind of ideological persistence; he insists on Arthur Koestler's distinction between the rebel as one "capable of changing causes" and the revolutionary as not one who is not and must invest "all his powers of hatred in one object."

Perhaps if Harris were not an American he would have been more ready to accept what seems to have been Upton's primary hatred, a hatred of money, a hatred that did not always keep him from *wanting* money but did steadily underly his Socialist convictions. Europeans have been much more ready than we have been to take Upton seriously, as a literary figure as well as a Socialist, and perhaps their readiness comes from sharing the money hatred. Anyway Harris, who doesn't share the money hatred, reports fully on the impact of Upton's writings abroad but has not, it would seem, felt the impact himself. He steadily criticizes Upton's novels, according to conventional American doctrine, for their propagandistic content, and dismisses as nonsense Upton's two angry books deploring that doctrine, *Nammonart* and *Money Writes*. The books are hasty and uneven but they do present a consistent esthetic, and an esthetic that is also consistent with Upton's political ideology. Harris seems not to wish to believe in that consistency, would prefer to think of him as batting around from vegetarianism to socialism to prohibition to mental telepathy.

This is not to say that Harris *neglects* Upton as a thinker. His biography is learned and good about Upton's ideas, and particularly good on them when they are in focus upon particular issues, as in the California campaign. This reviewer's complaint, such as it is, is not then a complaint about the biography's content so much as one about point of view. The point of view is of Upton as, essentially, an interesting eccentric rather than the enormous social force that the opening lines of the biography propose that he has been. In those lines Harris said, "Sinclair is, to date, the most important writer in the history of the United States." Maybe he is, but the book that follows doesn't say so.

Reed Whittemore

COMING
Readers' Reactions to
"Money and Sanctimony"
(*TNR*, Jan. 31, '76)

A More Goodly Country: A Personal History Of America by John Sanford

(Horizon Press; $12.95)

It is a fetching idea: to relate the American experience through the imagined tongues and eyes of its actors, from Leif Erickson to Franklin D. Roosevelt. In chronological sequence the explorers, the Founding Fathers, the politicos, the tycoons, the poets and painters, the generic figures—slaves, immigrants, soldiers, laborers—speak their pieces, in varied accents and forms. John Sanford, a lawyer turned novelist, has the Joycean virtuosity with language and can assume the speech and posture of Americans in four centuries and from all walks, yet write his own prose, verse and dialogue, eloquent and searing, salted with slang and puns. *A More Goodly Country*—the phrase is William Bradford's—is refreshing in the Bicentennial year, as a relief from the historical monographs and literary studies of conventional scholarship and the hoopla of the nation's self-congratulations. Sanford envisions a shamed, perfidious, exploitative America. But he tips the scales too far.

The political heroes fall the hardest, because they have the farthest to fall. George Washington, who makes five appearances, set down such rules of civility as stepping on filth or spittle to cover it, or falling down and lapping it up (Sanford's gambit is to parody a known source); he married for money and cuckolded his best friend, scorned his continental army of fleeing poltroons and fleecing officers, despised his cabinet rivals, Hamilton the kiss-ass of kings, and Jefferson an odious renegade; in 1932, on his 200th birthday, he wrote a letter from the grave dissociating himself from the ungentlemanly likes of Paine, Jackson and Lincoln, deploring the spirit of doubt that marred the 19th and 20th centuries, reaffirming his faith in a Constitution intended to assure the ascendancy of property, and exhorting the new rulers to put down the specter of democracy with cold steel and hot lead. Tom Paine was a drunkard and slob who wrote bad grammar for hire. Jefferson, while a philosopher and statesman, was also a land-gambler, dabbler, black-slaver, screwer of blacks, pursuer of happiness with his neighbors' wives. Jackson took more killing than a snake—and the list of his near-deaths, from diseases, Indians, assassins plots, runs over two pages. Lincoln receives kind treatment in eight commentaries, the largest number for any American; he asks, in solemn verse, that the nation remember not the trite stories about him, but what he stood for when Booth's bullet cut him down. This heroic-tragic strain is only an interlude. Theodore Roosevelt trills a Noel Coward lyric about the splendid little war in Cuba, a Yale-man's holiday lark; he snatches his ditch from the "Dagos" in Panama, and is limned as an animal butcher,a big wind, a tin soldier, a four-eyed Buster Brown, a toady to the well-heeled. Woodrow Wilson fell from grace in the space of 32 minutes, in his war-welcoming speech to Congress. Franklin D. Roosevelt, labeled the "sugar-tit man" in the first of three vignettes, remained faithful to his class, though it reviled him; he was ever the Groton boy, a hollow vessel, dying with, and sick to death of, Eleanor.

Sanford loves the writers as little. Poe recites from the grave, in rhetorical questions, the list of his manias and pretenses. Thoreau was a Pied Piper who could talk with woodchucks but avoided danger. Henry James dwelt in a misty inner world of rarefied nuances. Henry Adams never earned the cash to pay the bills for his easy living. Hemingway had a mean streak as large as his ego; he was big, fast, tough and dumb, like America. Sinclair Lewis, "the man who wrote blank prose," likewise reflected America, with his loutish looks and ways, his tastelessness, his trash-barrel prose, the shitpoke types he drew. F. Scott Fitzgerald wrote of parties he could never crash. But Sanford likes, and clearly empathizes with, Ezra Pound, for his word dexterity and learning, and his mockery of America's sacred causes, at high personal cost.

And so it goes. Sanford treats the clergy no better. First the Jesuits engage in protracted dialogue with the Hurons, who hear the Word as only "Mine, mine." John Cotton dies at 86 expecting to enter heaven but finding only a hole in the wall. Cotton Mather is an old lecher. So is Henry Ward Beecher, who ministered to a congregation of personal whores. Mary Baker Eddy lived the first half of her 90 years as a dried-up deadbeat, tormented with fits and seizures, and the second half as a mind-cure visionary accumulating millions—none of which she left to the poor, who, like the sick thought wrongly. Billy Sunday dreams that he is in a vast tabernacle facing not his customary

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audience of pariahs and down-and-outs, but the respectable rich, who heed him not, and in panic he runs from them into the arms of Death.

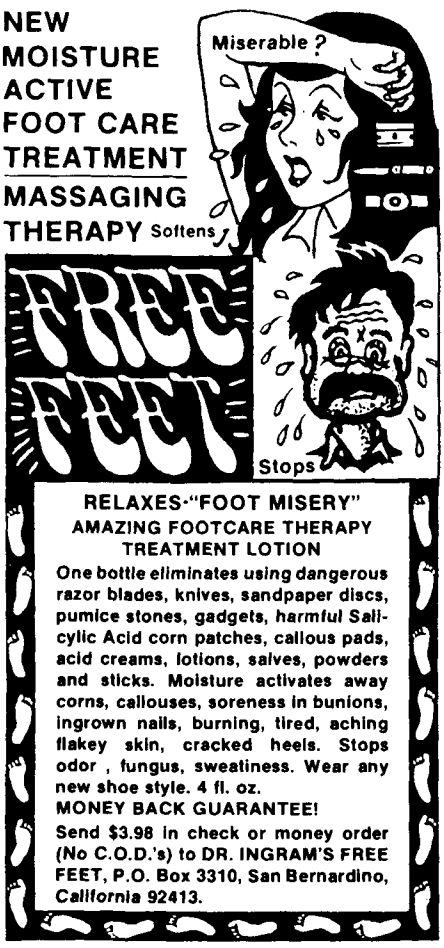
Structurally the work raises expectations that are not fulfilled. Near the outset is a long poetic section purportedly by Christopher Columbus logging the Santa Maria, which conveys the sense of personal participation in an epical American event; Columbus battles the sea and his fainthearted crew, whom he deceived by shortening the day's run, to lessen in their minds the distance from Spain. Other early episodes on the Jesuits and the Salem witchcraft trials are nearly as full. But then the passages thin down, some to a scant dozen lines, as those on Whitman, a musing on his thoughts from the grave, to which the long brown path he sang of joyously had led him. What promised to be an eyewitness chronicle of American sagas turns into a pastiche of thumbnail sketches, full of surprises and shock, yet, like Whitman's long brown path, leading nowhere but down. Instead of a sustained narrative Sanford relies on clever turnabouts and simulations to keep the reader guessing. In "God in the Hands of an Angry Sinner," the Lord goes craven before a rough-spoken farmer. A gargantuan legend has Paul Bunyan humbled by a Douglas fir, which John Henry yanks up easily. An ironic tale, spun in the manner of Sholom Aleichem or Isaac Bashevis Singer, tells of a Lithuanian Jew who emigrates to America rather than divulge how he had accepted a Gladstone bag when expecting a lady's bed; in America, he found it made no difference whether he had come or stayed. A Mark Twain yarn places the prince and the pauper in a plantation setting, with master and slave babes being swapped. Custer's foolish last day is recounted soberly and explicitly by an Indian guide. All these inversions are entrancingly told.

Ideologically *A Goodly Country* simply reverses the Puritan sociology; the rich are evil, the poor are virtuous. It burns with the flame of contemporary radicalism in behalf of the Indian, the slave, the black, the laborer. American history is the story of their subjugation by the fat cats. Only the well-fed signed the Declaration of Independence, and the signers meant to keep their place in the sun. So they did, in Sanford's view of such outrages that scar our past as the hangings of the Mollie Maguires and the Haymarket anarchists, the breaking of the Pullman strike by federal troops and the bruising of Coxey's army by the police, the dumping into boxcars of striking miners in Bisbee, the return of fugitive slave Anthony Burns, the execution of Sacco and Vanzetti. Law serves the rich. Spastic Harry Thaw's millions saved him from the chair for murdering his wife's friend ("Only the poorer grades of meat are fried") but a northern Jew, Leo Frank, convicted in Georgia on silly evidence for the alleged rape-murder of little Mary Phagan, is lynched by Southern Know-Nothings. On the depression breadline in 1932, the hungry realize that the Founding Fathers feared not the Crown but the people and that the elite had won the loot: the likes of John Jacob Astor, scourge of Indian trappers and slow-pay tenants; Commodore Vanderbilt the shit-merchant, who bested his own son in a fertilizer deal; John D. Rockefeller, shover, pincher, Heap, and Scrooge, who pissed kerosene; Henry Ford, who served the world right by bringing it death on wheels.

Thematically death as well as injustice obsesses Sanford, who catches his gallery at their death moments ruing grotesque lives, or lingers over carnages of death. Kiesburg of the Donner party helped his human meals to die, then dined off a slab of ass or a tit. In Colorado Territory, Union cavalry cut off the privates of friendly Cheyenne females they had slaughtered and strung them across their saddlebrows. At Hiroshima, bombed victims puked shit and bred maggots in their bellies. Linked with the theme of the death of man is the sense of death of the spirit, stifled by arrogance, greed and hypocrisy. When Bradford alludes to a young minister sent back to England from Plymouth Plantation because the people thought him "crased," the author ponders in what way he was "crased": in his approval of dancing and games, his refusal to damn the Jews and the Pope, his use of profanity, his dress, his looks? When a factory worker at a Ford plant is fired for smiling, the author wonders what aroused his smile: the wage price for his life, the hates of his master, the tin wagon he serviced, the mutilation of his mates by machinery?

By the end it is all too pat, too grisly, too one-sided. Besmirching the nation's heroes and idols and hallowed documents is schoolboy fun, but what does angry radicalism have to offer in their place? Sanford's gallery of rogues contains many of Parrington's heroic liberals of the '30s who are now one with the Federalists, Whigs and McKinley Republicans, rich, powerful, and corrupt. The radical tide has lapped over them all, save only Lincoln, still too sanctified to defile; holding the Negro inferior, he did consider slavery immoral, and he did emerge from and love the common folk. If a Populist orates only for the white poor, as did Huey Long, Sanford makes him a secret ally of the wealthy, saying that Huey eventually would have soaked the poor. Arrayed against all these villains is Eugene Debs, the preeminent champion of the weak, the black, the exploited. A few figures in the same mold, such as John Brown, Joe Hill and Emma Goldman, also earn Sanford's agonized tribute. It is a mark of the new perspective that Wilson is demerited not only for his militarism but also for failing to pardon Debs. Gene stayed with the subject-class, the people; fought for their cause; went to prison for them; clasped hands with Negroes; opposed the war-mongering of the master-class with a strident voice, which he hoped would blow the top down and the bottom up. He is Sanford's role model of the freedom fighter, in contrast say to Thoreau, who shunned the battle.

While recognizing its author's lethal critical abilities, the jacket blurb insists that he "presents essentially an op-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timism and hope in the eventual fulfillment of the original American spirit." These Madison Avenue clichés sound the boosterism and hucksterism that Sanford vilifies. The chronicle he unveils is filled with hopelessness and the stench of decay. And too much is his own surmise. Sanford experiences the same problem that perturbs the new left historians who wish to rewrite history from the bottom up; they cannot find the voices at the bottom, for lack of historical records. In culling from the recollections of ex-slaves, interviewed by the Federal Writers Project and edited by B.A. Botkin in *Lay My Burden Down* (one of half a dozen sources he indicates) Sanford has located an authentic and intensely moving series of folk statements. His reconstruction of the Hurons' dialogue with the Jesuits echoes the tradition of Indian oratory and rhetoric preserved in Indian treaties and documents such as Logan's speech. But for the most part he, like the historians, cannot find the memoirs of striking miner or sweatshop toiler, and he fills in the void with his own conjecturings. My own reaction is mixed. The ideas are thin, but the writing eclipses other radical versions of the American epic with its poetic and inventive brilliance, wit and savagery.

Richard M. Dorson

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Native Americans 500 Years After Photographs by Joseph C. Farber Text by Michael Dorris

(Crowell; $14.95)

Driving southwest on Highway 19 toward the Cherokee Indian Reservation in North Carolina recently, I could not help but be appalled by the obvious commercialization of the area, increasing as we got closer to the reservation. Billboards everywhere informed us of the not-to-be-missed attractions: Frontierland, the Cherokee Indian Wax Museum, Santa's Land Park—Fun Zoo. Santa's Land? "Do the Cherokees believe in Santa Claus?" I asked my wife as we approached the concession itself. Do people drive all this distance to Cherokee to visit Santa Land? We drove on by, passing the Papoose Motel, the Broken Arrow Motel and other unfortunate representations of the Native American's past, eventually pulling up in front of the Honest Injun Trading Post. No need to itemize the souvenirs for sale other than to add that it was difficult to discover a Native American behind a counter in any of the Cherokee tourist traps, selling the junk passed off as authentic Native American handiwork, while Indians were often out in front of these places, dressed in full regalia, and being used as bait to lure the innocent tourist inside to buy.

Similar thoughts of commercialization and exploitation of the original Americans occur as one looks at the photographs in Joseph C. Farber's photo book *Native Americans 500 Years After*. There are, by no real coincidence, a number of photographs taken in Cherokee, North Carolina, and among them one that especially captures the Native American's contemporary situation. The caption under the picture reads "A supermarket," and the photograph itself shows an elderly woman sitting on the window sill at the front of the store. But she can't quite sit on the sill because it isn't wide enough, so the left side of her body is propped up against the hind quarters of a wooden pony mounted on a metal stand which states, "Ride Sandy 10¢." The woman herself has one of the most forlorn expressions that I can ever recall—her eyes gazing off into nowhere; her dress, a further tell-tale account of her state: calico dress, bandana, sweater and bobby socks. Behind her, the empty window and a few words of questionable cheer: candy, ice cream. There is a haunting starkness about the photograph (one of the better ones in the volume): the woman up against the cold store front window, no bag of groceries at her feet, waiting for something only she herself knows.

Mostly, however, the 325 photographs in this collection are not so revealing. They illustrate no overall theme or intent except the desire to produce a book about Native Americans and where they live and work today. I say where they live instead of how they live because the arrangement of the photos has been based upon geography, beginning with Alaska and a series of photographs of Eskimos at a whaling camp off Point Barrow. At times one wonders whether Farber is more interested in the land where Native Americans live than the people themselves. Too many photographs are simply pictures of the terrain—of icebergs broken off from the glaciers in Alaska or of cattle grazing in the Midwest. I call attention to this scenic quality because it seems as if the photographer has decided to provide a travelogue instead of a visualization of the people. Hence, there is no real continuity or center to this book.

What is worse, however, is the quality of the photographs themselves. Ignoring the rather peripheral subject matter of a number of them, many others are lacking in artistic merit. Too many of the photographs give the impression of having been taken by an Instamatic and then processed at the local drug store. The cropping is often particularly poor—cutting off the most revealing elements of the photo. The captions—granted, no easy thing to do—are banal: "Hunting is useful and fun" or "Rodeos are greatly enjoyed in the West by Indian participants and observers." I doubt if there are more than a dozen pictures here of exhibition quality. Only when Farber lets his camera tell a story do his photographs rise above the amateurish. There is a moving series of pictures covering the funeral of a Sioux Indian who died in Vietnam; and an equally impressive series recording a Chippewa marine's encounter with some local law enforcement officers. These picture essays illustrate all too sadly the lack of a thematic approach in the rest of the book.

Fortunately, Michael Dorris' introductory essay makes up for many of the shortcomings of the photographs themselves. In five or six thousand words, Dorris (a Modoc) has given the non-Indian reader a concise overview of the 500-year-old tortured relationship between Native Americans and the European invaders of this land—correcting many myths that whites have retained about the original Americans. What is especially refreshing is Dorris' lack of rhetoric. He is much more concerned with getting at the truth, and the result is an often eloquent statement proclaiming the Native American's vital place in our world today. For example:

> *There are many things Indian people are not: They are not and never have been a unified, homogenous population; they are not represented by the stereotypes of*

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Hollywood or most fiction; they are not peoples without history, languages, literatures, sciences, and arts; they are not vanished, and they are not vanishing. White American unlearning about Native American people could be the most promising beginning to a real understanding between cultures. It could pave the way for the kind of cultural respect necessary to the belief that, after all, Indian people do know what is best for themselves. This realization could, in turn, insure a much more peaceful and harmonious Native American future.

One comes away from *Native Americans 500 Years After* wishing there had been more of Dorris' incisive prose and fewer of Farber's prosaic photographs.

Charles R. Larson

Charles R. Larson is the author of *The Emergence of African Fiction* (Indiana University Press).

Baseball When The Grass Was Real by Donald Honig

(Coward, McCann and Geoghegan; $12.50)

Where Have You Gone, Joe DiMaggio? by Maury Allen

(E. P. Dutton; $7.95)

The Life That Ruth Built by Marshall Smelser

(Quadrangle-New York Times; $12.50)

The so-called "golden years" of major league baseball seem to have been the late 1920s, the 1930s and the early 1940s. By that I don't mean that the game was played any better then than now; I doubt that it was. Nor do I mean that the sport is presently fading, for I don't really think it is. It is rather a matter of its not having had any serious competition, either for public attention or potential player talent, from professional football or basketball. There was boxing, to be sure, but that was a sometime thing, while golf and tennis were upper-middle class sports, drawing upon a limited audience. As a professional sport, baseball was supreme.

The result was that many millions of Americans look back upon the baseball of this period with the kind of nostalgia and reverence that in literature, for example, is usually associated with petites madeleines, the Duchess of Guermantes, Sandymount Strand, No. 7 Eccles Street, East Egg and West Egg, the Ritz bar and Provincetown. Such rugged, hard-toiling journeyman athletes as Jerome Herman Dean, Robert Moses Grove, Wesley Cheek Ferrell, Carl Owen Hubbell, Robert William Andrew Feller, Theodore Samuel Williams and Joseph Paul DiMaggio, to name a few among many, thus seem something like mythical heroes for us, standing tall and gloriously in the summer sunlight of a younger time. Which they were.

Donald Honig's *Baseball When the Grass Was Real* was designed for those of us who tend to recall the players of that day in such fashion, and very well designed it is. Honig went out and tape-recorded interviews with 18 players who broke into major league baseball during the 1920s and 1930s, and edited the results into brief narratives. Thus we have memories of big league doings by such stalwarts as Charlie Gehringer, Bucky Walters, Ted Lyons, George Pipgras, Doc Cramer, Max Lanier, Frank McCormick, Bob Feller, Lefty Grove and others, including James "Cool Papa" Bell of the old Negro National League, who couldn't play in the majors because he was a black man.

For those readers to whom such names mean little or nothing, Mr. Honig's book will have little attraction. For those who, like myself, spent many and many an hour meditating upon the professional activities of those gentlemen and many more besides, *Baseball When the Grass Was Real* will be read upon first encounter, very probably in one sitting, and then go up on the shelf alongside Larry Ritter's *The Glory of Their Times*, to be consulted again and again. Mr. Ritter's book, which Mr. Honig says gave him the idea for this one, performed a similar service for the players of the 1900s, 1910s and 1920s. I must say that, though Mr. Honig's compilation deals with players every one of whom I remember, while Mr. Ritter's heroes were most of them before my time, I can't quite place *Baseball When the Grass Was Real* in the same category as its predecessor, chiefly because Mr. Honig confined his interviews to the big league experiences of his subjects, while Mr. Ritter included the players' recollections of their childhood, their early sandlot experiences, their entrances into the big leagues, and their thoughts about the whole thing. *The Glory of Their Times* gives a marvelous picture of the time and place, of the republic as it entered the modern world. Mr. Honig sticks to the baseball.

But do not misunderstand: it is a fine book, one to keep and relish, and we are all of us in Donald Honig's debt. On the matter of throwing at a batter, for example, we learn that in the opinion of Roger Cramer, Johnny Allen was the worst he ever saw. "I believe you'd throw at your own mother," Cramer once said to him. "Oh, no," Allen replied, "I wouldn't throw at her. But I might brush her back a little."

Theodore Amar Lyons of the Chisox recalls the first time he and his teammates came up against Lefty Grove, while Grove was still pitching for the Baltimore Orioles of the old International League. After Grove had struck out 15 major league batters in an exhibition game, one of Lyon's teammates remarked, "Well, he'll never make it in the big leagues. All he can do is throw a fastball." Whereupon another responded, "Yeah, and all Galli-Curci can do is sing." And so on.

Maury Allen's *Where Have You Gone, Joe DiMaggio?* is another and lesser kind of book. Mr. Allen is a native New Yorker and a sports writer, and for him DiMaggio is "America's last hero." His book consists of interviews with many who knew DiMaggio, both as player, public figure and the late Marilyn Monroe's husband. DiMaggio comes off very well indeed, as one might expect, for if not America's last hero he was a genuine hero, all right. As a Giant fan out in the provinces, I hated his guts for what he did to my idols, and with good reason.

When you get finished reading Mr. Allen's book, you have a portrait of an excellent baseball player. When you get finished reading Mr. Honig's, you have—well, you have baseball as it was, including the way it was thought about, and so you have a little of yourself as you used to be.

Finally, we have yet another biography of the late George Herman Ruth, but this one is a very good job indeed. Unlike even the best of the 1974 crop, Robert W. Creamer's *Babe: The Legend Comes to Life*, Mr. Smelser concentrates on the Babe's baseball playing, and makes a point of accepting no vivid but unsubstantiated tales of Ruth's gluttony, sexual excesses, or other crudities. While I think he goes a

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bit too far in this respect—folklore or not, some of those stories are inescapably part of the historical phenomenon—the result is a most readable, solid, satisfactory volume, and written with a stylistic distinction generally absent in baseball literature. I get a sense in this book of just how genuinely great an athlete the Babe was, and, equally, a sense of the way that major league baseball was played during his years. If only we could have a few more baseball books written with the taste, thoroughness and knowledge that Smelser demonstrates in his handling of Babe Ruth, we might begin to have a decent historical record of major league baseball. But as long as the task is left to sportswriters with only rudimentary ideas of how to undertake scholarly research, the history of the game will remain flimsy and unreliable.

Louis D. Rubin, Jr.

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The Back of the Book

Report from the Dream Game

In 1879 *Punch* ran a picture by George du Maurier, reproduced in Erik Barnouw's *Tube of Plenty: The Evolution of American Television*, predicting the coming of television by showing a couple at home watching a sports event, a tennis match, on a huge screen. The couple were holding horn-shaped speakers so that they could converse directly with the players. Evidently back then some people thought it a good idea for us to be able to talk back to television. They must have feared that if the total life of our culture — our history and pageants — was contained in a box slightly larger than Marconi's, we would not wish to be subjected to someone else's will without giving a hoot or holler now and then.

The major sports event of this year, of all years lately, was the Super Bowl, played on January 18, won by Pittsburgh over Dallas 21-17. The game was good, but only occupied one hour of the five hour CBS spectacle. The rest was a Super Bowl variety show, not unlike the old Colgate Comedy Hour.

Four lines were memorable: 1) Hank Stram, former coach of the Kansas City Chiefs, on a Monsignor Mackey — "he gave the post-game prayer and did a fantastic job"; 2) a defense of Terry Bradshaw, the Pittsburgh quarterback—"people worry about his IQ, but . . ."; 3) Raquel Welch's reply to "are you a football fan?"—"yeh, I really am"; and 4) Walter Cronkite, at the end of the show, inviting us to join him this summer at the party conventions for "the Super Bowl of politics." Other lines were noteworthy, such as the introduction of a couple, Johnnie and Jeannie Morris, as "two of the prettiest people I know," but they needed images for support. The Super Bowl was a show of images, thousands of them, flapped at our eyes in a very fast shuffle.

Three announcers, Irv, Brent and Phyllis, who smiled and talked at the same time, opened the pre-game program with an interview of Joe Namath in a longshoreman's cap. They invited Joe to join them for a ride on the "Super Bowl Special," a motorboat from which they launched segments on previous Super Bowls. Aboard were actor Hugh O'Brian, who talked strategy in what looked like a sailor suit, baseball star Reggie Jackson, and Paul Hornung, once the "golden boy" of the Green Bay Packers. Phyllis kept prodding Namath (who had never missed yet) to predict the day's game, but Joe demurred. They flashed to the "world famous Fountainebleau hotel," where earlier they had chatted with Raquel Welch, Henny Youngman and Alice Cooper, the rock singer. Back on board Reggie Jackson picked the Steelers, but Joe still wasn't talking. At commercial breaks we saw spots of the children of Dallas and Pittsburgh players; "Mean" Joe Green's kids said that their daddy "isn't so mean." In the Orange Bowl stadium other children were in the final

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stages of the punt, pass and kick competition, a contest that involved over a million kids (eight to 13), authorized by the Punt, Pass and Kick Association, a Ford Motor Company subsidiary. (Local Miami fans booed the boy in the Oakland Raiders jersey on account of Oakland beating Miami in the play-offs last year.) On the boat Joe was cornered; he picked Dallas by 10.

When the "Super Bowl Special" docked, our announcers ran to a helicopter that would fly them to the Orange Bowl. Meanwhile Johnnie and Jeannie presided over 24 Cowboy wives and a fashion show, a "real all-star line up" of dresses costing $400 a piece (Jeannie was going to buy one). A chef appeared bearing a 20-pound lobster with "Dallas" inscribed on its shell. Suddenly we were in the "Bowl Bar" to meet "real fans" like "Vinny from New Jersey" who got his tickets from a bookie. In the stadium, Irv, Brent and Phyllis rode a golf cart to their booth.

It isn't unusual to have so many events dropped into a Super Bowl. In 1972 Super Bowl VI began with a military honor guard carrying a colossal American flag, flanked by little American flags, onto the field. Simultaneously a formation of Phantom jets boomed over Tulane stadium, and viewers were asked to say a silent prayer for our POWs in Southeast Asia. At half time there was a "tribute" to Louis Armstrong, with Carol Channing circling the field to "Hello Dolly," reconstituted as "Hello Louis." One of the first punt, pass and kicks was held. President Nixon phoned the coaches. Those were the days.

There wasn't quite as much patriotism this year, but enough to go around. At half time the professionally hysterical "Up With People" singers provided an "educational program" in the history of dancing from the Charleston to the Hustle. A blind man was selected to sing the national anthem, under the usual assumption that his affliction, like Homer's, gave him an inner vision of God and country. Still this was Super Bowl X, a long haul from a disgraceful war and the need to hype it, a long haul too from the early years of football hard-sell. This year the problem was not to justify the existence of football in the culture, but to affirm that by now we were part of an inviolate national tradition.

The problem was solved by repeated invocations of the "history" of the event itself. While Irv, Brent and Phyllis went from sea to air to land, we were led "down memory lane" into the nine previous championships. A voice unheard since Castle Films narrated most of the segments, describing these games as myths, epics and religious wars (Super Bowl X could have been seen as the battle of the prairie and the steel mill). Super Bowl I was played "to spread the gospel about the AFL" (the newer American Football League). There "détente turned to war." In another segment "the strange story of Duane Thomas," a moody halfback, was told to a Nat King Cole recording of "Nature Boy." Vince Lombardi, late coach of the Packers, after whom the Super Bowl trophy is named, was the saint of the proceedings. He had lived by his motto, "God, family and football," and had shown the "sacrifice and courage" which attracted the famous in the stands: Kirk Douglas, Danny Thomas, Janet Leigh, Ted Kennedy and the astronauts who had walked the moon.

Later in the day Barbra Streisand sang "The Way We Were," keeping history on the mind. Throughout the game—one which depended on the use of time—was the continuous feeling of recaptured moment: replays caught by three cameras, and narrative recapitulations making history of every down. Football relies on history intrinsically, on set plays and patterns. Its success does not depend on statistics, like baseball, nor on virtuoso performances, like basketball, nor on brawls, like hockey, though it has all these things in some measure. Football is our infantry game, using platoons, gaining ground, fighting in helmets, hand to hand, on front lines, in radio contact with generals—the deliberate forward march of the unimaginative.

History used as the Super Bowl used it, of course, simply makes for another commercial. If we think of the Super Bowl as a national fixture (est. 1967) we will trust it as we would an old firm. Its future is tied to our belief in its past. Camera shots from the base of the Vince Lombardi trophy which made it look like a giant platinum launch pad for a football rocket gave an image of the future in infinite (and conquerable) space. At half time the "Up With People" singers, forming a human map of the USA, sang that America is "200 years and just a baby"—more past and future. We were to buy America, along with Fords, pretending as we do with cars that each new model will be perfect.

The "Up With People" representation of history consisted of one judicious

"I knew before he said it, the sentence would be death."
—James V. Giles

An American Rape

A True Account of the Giles-Johnson Case

by A. Robert Smith and James V. Giles

"One of the great and signal cases of courtroom injustice in American legal history." —The Washington Post

Despite their pleas of innocence, three black men were arrested and charged with raping a 16-year-old white girl on July 21, 1961 on a lovers' lane in Montgomery County, Md. They were convicted and sentenced to die. James V. Giles was one of those men. Today he is free.

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statement: "Some people say that we've come a long way; others that we've got a long way to go; and you know, probably both are right." The nine years of Super Bowl history, on the other hand, were covered in detail and nuance. After all, the Super Bowl was American history too: saints, movie stars, senators, Presidents, kids, pretty cheerleaders, flags, guns, trains and boats and planes, comedians and priests, jazz, black and white, numbers, cities and big yardage. Super Sunday was a show about a game, but by the time the afternoon was spent we saw the game as a nation, perhaps vice versa. The announcers said "the game means everything," and took themselves literally.

The Super Bowl was in fact almost too large to comprehend. Its total audience was over 75 million, a number too great to imagine. Few of us have ever seen as many as 50,000 people in one place, probably a sports arena. There were 1700 reporters at the game. Each minute of advertising cost $230,000, more than a lifetime's earnings. What, besides a war, costs $230,000 a minute? Fifteen thousand dollars went to every member of the winning team, $7500 to every loser—for one game's work. Overwhelming, these figures, yet somehow we convinced our imaginations that they could grasp such things.

In "The Pleasures of the Imagination, X" Joseph Addison said that the imagination "is confined to a very small quantity of space, and immediately stopped in its operations when it endeavors to take anything that is very great or little." If he was right, television is the perfect size for our imaginations. It rarely shows things too small to contemplate, but it does have a way with wars, space flights and Super Bowls. We sit as if understanding what we see but our minds betray us. Instead of our imagining the objects on the screen, they have an imagination of their own, of which we are a part, and which we visit like spectators at a dream.

Where but in a dream (our wildest) would we meet Raquel and Henny, Kirk and Teddy, and Joe and Alice? Where else would we see mayhem cheered frantically by girls in boots; or pay homage to a lobster rooting for Texas; or use four or five forms of transportation to get nowhere? Where else do things happen with such solemnity and speed together? Next year they swore things would be bigger and wilder still. Phyllis thought she was joking when she said, "the next time CBS does the Super Bowl we're going to do it from a space capsule," but why not? And Cronkite did promise the Super Bowl of politics this summer. Can you wait?

Irv, Brent and Phyllis stretched the Super Bowl as long as we could tolerate, down to the final banality from the last "key player," and the last congratulations on the dream game. Our eyes blurred in the winter dark, we clicked off the set, dully conceding the passage of a day. Then came that special silence only television makes: a gasp of deadness in the air, hanging like a hawk until some noise from our real lives snaps us back to a state of consciousness. For a second there it seemed as if it never happened, as if we had been travelling in someone else's mind. We were.

Roger Rosenblatt

The Classifieds

Personals

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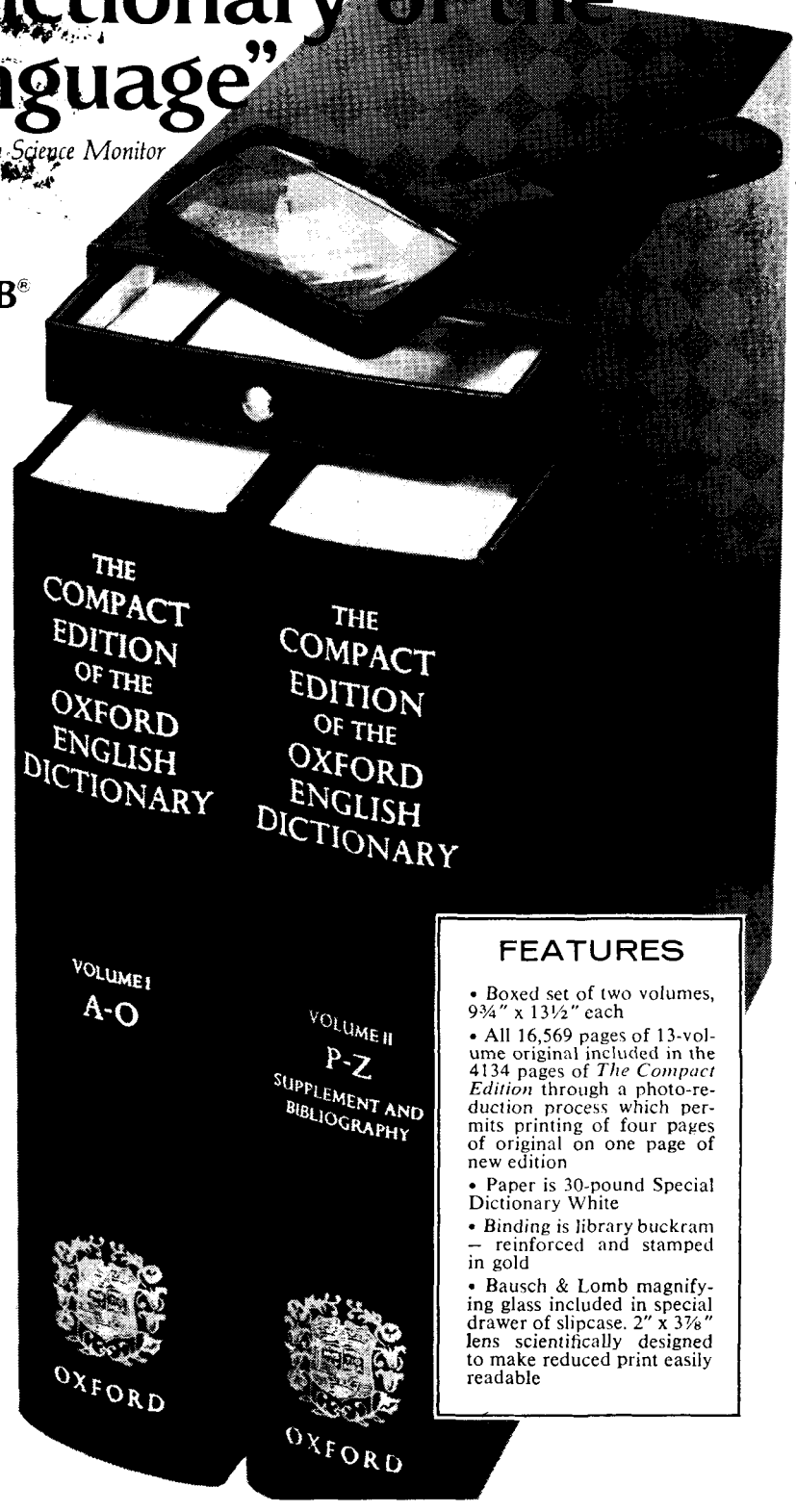

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